

FAIRFAX COUNTY, VIRGINIA: THE DANGEROUS CONSEQUENCES OF SANCTUARY POLICIES

HEARING

BEFORE THE

SUBCOMMITTEE ON IMMIGRATION INTEGRITY,
SECURITY, AND ENFORCEMENT

COMMITTEE ON THE JUDICIARY

U.S. HOUSE OF REPRESENTATIVES

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**FAIRFAX COUNTY, VIRGINIA:
THE DANGEROUS CONSEQUENCES OF
SANCTUARY POLICIES**

Thursday, May 14, 2026

HOUSE OF REPRESENTATIVES

SUBCOMMITTEE ON IMMIGRATION INTEGRITY, SECURITY,
AND ENFORCEMENT

COMMITTEE ON THE JUDICIARY

Washington, DC

The Committee met, pursuant to notice, at 10 a.m., in Room 2141, Rayburn House Office Building, the Hon. Tom McClintock [Chair of the Subcommittee] presiding.

Present: Representatives McClintock, Jordan, Biggs, Tiffany, Van Drew, Nehls, Fry, Grothman, Knott, Onder, Schmidt, Gill, Jordan, Jayapal, Raskin, Nadler, Scanlon, and Ross.

Also present: Representative Cline.

Mr. MCCLINTOCK. [Presiding.] The Subcommittee will come to order. Without objection, the Chair is authorized to declare a recess at any time.

I want to welcome all of you here today, and particularly members of the public who have come to watch this hearing, but please know the public is not allowed to disrupt the Committee proceedings. If you disrupt today's proceedings, the Capitol Police will have to remove you from the room, and you may be subject to prosecution.

Without objection, Mr. Cline will be permitted to participate in today's hearing for the purpose of questioning the witnesses, if a Member yields him the time for that purpose.

We will now begin with opening statements.

This Subcommittee has become increasingly concerned with so-called sanctuary policies in which local or State law enforcement simply refuses to transfer illegal aliens who are already in their custody to Federal authorities for deportation, or at the very least, notify Federal authorities about a criminal's release. Instead, these jurisdictions release these criminals back into our communities, often with devastating consequences.

The doctrine of nullification, first propounded by John C. Calhoun, holds that local or State governments may simply ignore Federal laws that they disagree with. This doctrine, fatal to a Federal republic, was thought to have died with the Confederacy.

These nullification or sanctuary jurisdictions now extend to 11 States, coincidentally, the same number as the old Confederacy.

Fairfax County has become an epicenter of this movement. Its Commonwealth's Attorney boasted that quote,

He will make charging and plea decisions that limit or avoid immigration consequences.

He wrote, quote,

If two people commit the same crime, but only one's punishment includes deportation, that's a perversion of justice.

Thus, an illegal alien would be charged with a lesser crime than an American citizen to protect that illegal alien from deportation. That is the true perversion of equal justice under law and has now prompted an investigation by the Civil Rights Division of the Department of Justice.

Fairfax County's sheriff takes a similar position, that her office, quote,

Will not detain an individual based on an informal request or detainer.

Instead of safely allowing ICE to return that criminal to his own country, as Federal law requires, she prefers to release him back onto her community's streets.

Ironically, both claim this is to foster trust between residents and law enforcement, which begs the obvious question, can residents trust law enforcement to protect them and their families?

A long list of violent crimes perpetrated by criminal illegal aliens that these officials had in their custody and refused to prosecute and refused to remove from their communities answers this question with poignancy.

The most recent case is the tragic and entirely preventable murder of Stephanie Minter, the young lady stabbed to death as she waited for a bus. Her accused murder is Abdul Jalloh, illegally present in the United States. Since 2022, Jalloh's criminal history has included trespass, disorderly conduct, drug possession, theft, larceny, and repeated arrests for malicious wounding.

Between January 2023 and February 2026, he had been arrested at least 18 times. The Commonwealth's Attorney Descano dismissed almost all these charges. At least once, Sheriff Kincaid, instead of informing ICE that he was in custody, so that he could be deported, and despite a detainer request from DHS to do so, deliberately released him back onto Fairfax County streets.

Last year, the Fairfax County Police Department became so alarmed at these decisions that they took the extraordinary step of warning Descano that Jalloh had, quote, "stabbed multiple people, sexually assaulted at least one woman, and committed numerous other criminal offenses."

The police then issued this grim prophecy, "It is not a question of if, but rather, when he will maliciously wound, or worse, again."

Well, the "when" came on February 23rd. That is the day this monster is accused of hacking Stephanie Minter to death. She was 41 years old. She leaves behind a grieving family.

Now, Sheriff Kincaid says she doesn't have the budget to call ICE to pick up such criminals before she releases them back onto the streets. Well, that begs the question, how much does a phone

call to ICE cost, and what was the cost to the Minter family of not making that call?

Nor is this an isolated incident. There's a growing list of other criminal illegal aliens who these authorities had in custody and released back onto the streets, instead of making a simple phone call to ICE to pick this person up. It includes illegal aliens who had their charges reduced, or even dropped altogether, despite crimes ranging from child sex offenses to murder.

Of the seven homicides in Fairfax County last year, three were committed by illegal aliens who could have been deported before they committed these crimes. Mr. Descano's empty claim to be the safest city of its size in the country rings hollow against this reality.

Just as Stephanie Minter's murder wasn't an isolated event in Fairfax County, neither is Fairfax County an isolated example in our country. This utter dereliction of duty is rampant across jurisdictions that Democrats control, including my State of California, where the Tulare sheriff recently testified that fully half of the crimes he is dealing with involve illegal aliens. Yet, State law forbids him from cooperating with ICE because the Democrats don't want to enforce our immigration laws even against criminals in custody.

To most Americans, these policies seem reckless, dangerous, crazy, wanton, and cruel. Today, this Subcommittee seeks to understand how elected officials entrusted with the sacred responsibility to protect innocent and law-abiding residents would deliberately act in this manner.

We will soon hear their rationale. We will hear from witnesses the Democrats have chosen in support of these policies, and we will also hear from the former Attorney General of Virginia and the President of Virginians for Safe Communities who take a very different view.

Finally, we will hear from Stephanie's mother, who has bravely come here today to provide a victim's statement of the toll these policies have taken on her family and who offers a grim warning to all Americans of what could happen to them at any time where these dangerous policies are practiced.

I look forward to hearing from our witnesses, and I now yield to the Ranking Member for her opening statement.

Ms. JAYAPAL. Thank you so much, Mr. Chair. Thank you to all our witnesses for being here today.

I want to start by offering my deepest condolences to you, Ms. Minter. As a mother myself, I just cannot imagine the pain that you are experiencing in losing your daughter far, far, far too soon. I'm sorry for your loss.

I also understand that we are joined by people from the Fairfax community today, and I want to welcome you. If you are willing, would you please stand up if you are from Fairfax County? Wow, a lot of you.

Please remain standing if you support immigrants and support policies that make sure that everyone feels safe in calling 911.

I want to note for the record that everyone has remained standing, and it looks to be a crowd of over 50 people. Thank you so much for being here. You may be seated.

This hearing is, unfortunately, another in a series of hearings that the Majority has held that consistently attack trust policies that have upheld the necessary and important division between the enforcement of Federal civil immigration law and the enforcement of local criminal laws. This division has proven over and over again in documented research to be essential in keeping all communities safe and ensuring that people come forward to report crimes.

Immigration enforcement is a Federal responsibility, and last year, Republicans gave the Department of Homeland Security over \$170 billion in their Big Bad Betrayal Bill to meet the arbitrary immigrant arrest quotas of Stephen Miller and to carry out Donald Trump's cruel mass deportation agenda.

Using this funding, ICE doubled in size; DHS officers killed two U.S. citizens in cold blood in Minnesota; beat and detained countless U.S. citizens for exercising their First Amendment rights and broke down doors of U.S. citizens without a warrant, in violation of the Fourth Amendment.

We know of at least one U.S. citizen who has been arrested by ICE three times, despite repeatedly informing agents that he is a U.S. citizen. Another 18-year-old U.S. citizen with terminal cancer spent the last weeks of his life begging ICE to release his parents, so that he could see them before he died. They reunited one day before he died. That is just what they have done to Americans.

ICE is also subjecting hundreds of parents and children to months in immigration prisons, conducted senseless deportations of military veterans, separated families, massively increased immigration detention, resulting in a record 48 deaths in ICE detention just since President Trump took office.

A recent political analysis revealed that judges have ruled in at least 10,000 cases that detention was illegal with no due process, no opportunity for detainees to plead their cases. The 10,000 people, including a nursing mother who was separated from her one-year-old child, despite active legal refugee status, and a five-year-old boy detained by ICE on his way home from school.

More than 425 judges have heard cases and reached the same conclusions about the illegality of Donald Trump's mass detention policies, including, by the way, a majority of Trump-appointed judges. Three Circuit Courts have also now ruled the policy illegal.

The impact of these illegal policies is not just being felt by immigrants; it is ripping apart entire communities across the country, creating fear and terror, and also, negatively impacting opportunities for all Americans.

A new study by the National Bureau of Economic Research just concluded that Trump's immigration raids are now even weighing on the labor market, leading to fewer jobs for U.S.-born men without a college degree.

Despite all this, Republicans have refused to stop these illegal, unconstitutional, and cruel policies. They have refused to address the fact that, while their anti-immigrant strategies may have worked before, they don't work anymore. Today, more than 60 percent of Americans disapprove of Trump's immigration policies.

Americans want Trump and Republicans to focus on lowering their gas prices, lowering their grocery costs. They want Repub-

licans to stop giving tax breaks to billionaires, while stripping healthcare from tens of millions of Americans.

Donald Trump said it himself just a few days ago. In his own words, Trump said, quote, "I don't think about the financial situation of Americans." Really? That is exactly why Republicans are now planning to give ICE and Border Patrol an additional \$70 billion with no oversight or accountability, and yet, having a hearing this morning to complain that Fairfax County will not do ICE's job for them. Give me a break.

DHS has plenty of money to hire all the new immigration enforcement agents they want. They don't need to commandeer the local police officers who are hard at work maintaining Fairfax's status as the safest county of its size in the United States.

In one of the great ironies, here we are in the Immigration Subcommittee having a hearing about the prosecutorial decisions of a county attorney and the jail policies of a county sheriff. Whatever happened to the Republican Party that believed in local government?

There are many reasons that you will hear that States and localities choose not to or are unable to conduct immigration enforcement on behalf of the Federal Government. Numerous court orders have declared immigration detainers unlawful violations of the Fourth Amendment, and State and local officials don't want to spend huge amounts of money on court cases. State constitutions often contain prohibitions, and local police departments want to prioritize their already scarce resources to encourage the trust of people to come forward and report crimes without worrying about their own immigration status.

The Major Cities Chiefs Association has repeatedly reaffirmed that cooperation with the immigrant community is essential to solve crime and prevent further criminal activity within the entire community, including ensuring protections for victims of domestic violence and sexual assault.

In 2019, my home State of Washington passed the bipartisan Keep Washington Working Act for all these reasons, as have many States across the country. Courts have ruled multiple times that States have the right to enact laws like the Keep Washington Working Act. These laws do allow information sharing with the Federal Government, when necessary for an ongoing criminal investigation or pursuant to a court order or judicial warrant.

This Committee should be holding hearings on the unconstitutionality of this administration's policies, on the killing of American citizens by ICE and CBP, but instead, we are doing yet another hearing designed to further this Administration's anti-immigrant agenda and distract people from the real issues at hand. The American people deserve better.

I look forward to hearing from all our witnesses today, and I yield back.

Mr. MCCLINTOCK. Thank you. I now recognize the Chair of the Full Judiciary Committee, Mr. Jordan, for his opening statement. Chair JORDAN. Thank you, Mr. Chair.

First, they let in 10 million illegal migrants during the Biden Administration.

Second, create sanctuary jurisdictions, which makes it tough to remove those illegal migrants, even when they commit another crime.

Third, the Democrats say, “We’re not going to fund the guys who do the removing. We’re not going to fund ICE.” They shut down the government for 70-some days.

Understand this: Sanctuary jurisdiction policy in simple terms is politicians tell local law enforcement, “Don’t work with Federal law enforcement when it comes to enforcing Federal law.”

That is the situation in 18 States, 11 cities—actually, the other way around 18 cities, 11 States, three counties, and the District of Columbia. Because those are big cities, big States, that is almost a third of the population lives in a jurisdiction where, again, local law enforcement is not allowed to work with Federal law enforcement to enforce Federal law.

Let in 10 million; create sanctuary jurisdictions, so it is tough to remove them, even when they commit a crime; defund ICE. Mr. Descano takes it even a step further. He takes it a step further and says, “I’m not even going to prosecute the guys who do terrible things. I’m not going to prosecute them. We’re not going to honor detainees. We’re going to let them out on the street.”

Of course, what happens when you do that? Ms. Minter is going to talk about that in a few minutes. That’s what happens.

Take the example and take another example. Marvin Morales-Ortez had this long rap sheet, but on September 12, 2025, he is arrested for malicious assault and brandishing a gun. Mr. Descano says, “We’re not going to prosecute this guy.” Sheriff Kincaid says, “We’re not going to honor the detainer.” They release him on December 16, 2025.

What happens on December 17, 2025? He kills someone. That’s the consequences of this dumb, stupid, and crazy policy.

Again, Ms. Minter is going to talk about Stephanie Minter. The Chair talked about Abdul Jalloh, who had these 40 past charges, had all kinds of things. This guy had been arrested and charged with multiple crimes, malicious wounding, stealing property, larceny, trespass, disorderly conduct, malicious wounding, and a hundred involvements with the local police. As the Chair pointed out, the local law enforcement told Mr. Descano’s office, “If you let this guy out, he’s going to do something bad. It’s going to be bad.” Sure enough, they were right, and he stabbed and killed someone. That’s the consequences.

Now, here’s the craziest part of all. Here’s the craziest part of all, and the Chair mentioned this. Mr. Descano told us he was going to do it. He told us he was going to do this, the statement I think the Chair read: “Mr. Descano’s office will take immigration consequences into account when making charging and plea decisions.” This is unbelievable.

I want to thank the Chair. The Democrats can say all they want, “Well, why are we having another hearing?” We are having a hearing on this because this is the dumbest thing we have ever heard.

I want to thank the Chair for this hearing, and I want to thank him for the legislation that he sponsored, that this Committee has already passed, the Sanctuary Jurisdiction Shutdown Act of 2026. Hopefully, that is going to be passed in the Full House soon. Love

to get that into law, so we can stop what is going on in Fairfax County.

With that, I yield back.

Mr. MCCLINTOCK. Thank you. I now recognize the Ranking Member of the Full Committee, Mr. Raskin, for his opening statement.

Mr. RASKIN. Thank you very much, Mr. Chair.

Welcome to all our witnesses. I would especially like to thank Ms. Minter for coming today. There's no greater pain than the pain of losing your child. I thank you for having the strength and the courage to speak publicly and to appear before us about all these matters today.

I also want to thank the busy public officials from Virginia, Sheriff Kincaid and Commonwealth's Attorney Descano. We know how busy your schedules are, and we thank you for coming to be part of this process.

I have family in Virginia. Not everybody in my family is in Maryland. I once spent a summer in Richmond, Virginia, and I feel somehow like I'm back in Virginia with all these great Virginians here.

We are on a mission of analyzing Virginia law and public policy today. This hearing would probably be better taking place in Richmond before the General Assembly, because we are doing a deep dive into the prosecutorial and jail policy decisions of one county, Fairfax County, which was recently ranked, I noted, by the Major Cities Chiefs Association as the safest county of its size in the entire United States of America. Its people, its elected officials, certainly do not deserve the contempt and the derision of this Committee.

If we were going to superintend and scrutinize the actions taking place within the government of Virginia, perhaps we should be looking at the recent decision by the Virginia State Supreme Court to overturn the expressed will of the people of Virginia in redistricting their congressional districts. That investigation into an episode of extreme judicial activism might not suit the ideological purposes of the Majority quite so much.

The Ranking Member has done an excellent job of providing an overview of the problems and limitations with the particular conception of this hearing. What we have on one side is a massively funded Federal bureaucracy, which just got \$175 billion last year, accomplished by slashing funds for Medicaid, children's health insurance, rural hospitals, and so on. DHS now has a quarter of a million employees and a budget larger than that of 150 countries on Earth. It has over 80,000 sworn officers, more than the number of police officers, check this out in New York City, Chicago, Los Angeles, Houston, Washington, DC, Las Vegas, and Dallas combined.

Yet, despite this massive bureaucracy and this awesome budget, the Administration is trying to blame the problems in immigration law and policy, over which the people of Fairfax County have no control, other than as citizens voting for Representatives in Congress, trying to blame these local jurisdictions, like the sheriff's office, whose annual budget is not \$175 billion, but if the internet is correct I just looked it up is \$85 million, which is much less than 1,000th of the Homeland Security budget.

Yet, the Federal Government or Congress, rather than actually engaging in the process of studying and passing comprehensive immigration reform, prefers to bully and scapegoat local jurisdictions which are trying to deal with the failures of Federal policy.

Look, ICE and the Department of Homeland Security have a job to do and they should do it, and they should do it without violating the law. They should do it without violating the Constitution. They should do it without killing U.S. citizens, like Renee Good and Alex Pretti. They have a job to do, and the government of Fairfax County has a job to do. These public officials have the job of enforcing the criminal laws of Virginia, as chosen by the people of Virginia within all the constraints of State and Federal law.

Now, as I understand it and this is what I'm interested in, because I'm not familiar with what is taking place in Fairfax County, or in Virginia. As I understand it, ICE can come and pick up undocumented prisoners for a period of days or weeks before they are discharged.

This has happened before, and the local and State Government, contrary to what we just heard, cooperates fully with the Federal Government in these cases. The idea that they don't cooperate is just wrong.

ICE can come and pick them up before their point of discharge. As I understand it and I want to hear more about this they can pick them up at the point of discharge.

Fairfax County, as I understand it, takes the position it cannot hold prisoners beyond the length and duration of their lawful sentence. I want to hear about that.

I'm curious, why can ICE not pick up with its massive resources why can they not pick up the prisoners while they are still being held, or right before they are about to be released, or at the point of discharge? I don't really understand that.

Then, again, I understand everybody is eager to beat up on Fairfax County for some reason, but in terms of the specific terrible case we are going to talk about today, we are going to hear about this Abdul Jalloh, the Sierra Leone national who is accused of brutally murdering Ms. Minter's daughter Stephanie.

He was actually in ICE custody from 2018-2019, during the first Trump Administration, before they released him back into the public, as I understand it. I want to get to the bottom of that report. Why was he not removed back to Sierra Leone when the Trump Administration held him in 2018 and 2019? That is a critical question that I have in terms of trying to define responsibility, if all this is just a blame game that we are engaged in.

It would be far more meaningful for us to be talking about comprehensive immigration reform. That is what Americans and Virginians are looking to Congress for not to be scrutinizing and demonizing particular cities or counties around the country, which does not strike me as a very productive exercise.

Nonetheless, I'm delighted to hear from all our witnesses here, and I yield back to you, Mr. Chair.

Mr. MCCLINTOCK. Thank you. Without objection, all other opening statements will be included in the record. We will now hear from today's witnesses.

We have with us today Ms. Cheryl Minter. She is a lifelong Virginia resident. She is the mother of Stephanie Minter, the young woman who was victimized by these sanctuary policies.

We have with us the Hon. Stacey Kincaid, who serves as Sheriff for Fairfax County, Virginia. She has 35 years of experience working for the Fairfax County Sheriff's Office. A graduate of Langley High School in McLean, Virginia, Sheriff Kincaid received her bachelor's degree in political science and criminal justice from the Frostburg State University in 1987.

We have Hon. Stephen Descano, who serves as the Commonwealth's Attorney for Fairfax County, Virginia. He has served in this role since January 2020. Mr. Descano earned his undergraduate degree from West Point and his JD from Temple University.

Mr. Sean Kennedy is President of Virginians for Safe Communities, a public safety and victims' right advocacy nonprofit, and sits on the Fairfax County Criminal Justice Advisory Board as an appointee of the Fairfax County Board of Supervisors. He is a graduate of the University of California at Berkeley and earned a master's degree in history from the University of Cambridge.

Professor Jane Stoeber is a Professor at the University of California, Irvine School of Law, where she directs the Domestic Violence Clinic and the UCI Initiative to End Family Violence. Professor Stoeber earned a bachelor's degree in English from the University of Kansas in 2000. She completed her JD at Harvard in 2003 and earned an LLM from Georgetown University in 2008.

Mr. David Bier is the Director of Immigration Studies at the Cato Institute. He has a BA in political science from Grove City College in Pennsylvania.

We have with us Hon. Jason Miyares, who served as Virginia Attorney General from 2021–2025. He previously served in the House of Delegates. He earned a bachelor's degree in business administration from James Madison University in 1998 and earned his JD from the College of William and Mary in 2005.

I want to welcome all of today's witnesses, thank them for appearing, and we'll begin by swearing you in. Would you please rise and raise your hand?

Do you swear or affirm under penalty of perjury that the testimony you're about to give is true and correct to the best of your knowledge and information and belief, so help you God?

Let the record reflect the witnesses have answered in the affirmative.

Thank you, and you may be seated.

We note that your written testimony will be entered into the record in its entirety. Accordingly, we will ask that you to summarize your testimony in five minutes.

We will begin with Sheriff Kincaid.

STATEMENT OF SHERIFF STACEY A. KINCAID

Sheriff KINCAID. Good morning. Chair McClintock, Ranking Member Jayapal, and the distinguished Members of the Subcommittee, thank you for the opportunity to appear before you today.

My name is Stacey Ann Kincaid, and I am the Sheriff of Fairfax County, Virginia. I was sworn in as a Deputy Sheriff in 1987 and I worked my way through the ranks of my agency, serving in every division with distinction.

After achieving the rank of captain, I ran for sheriff in 2013 and have since been reelected three times with overwhelming majorities. As sheriff, it's been an honor to serve Fairfax County.

The safety and security of Fairfax County have been my absolute priority for the past 38 years. I entered law enforcement to save to serve my community and to help protect the vulnerable. I believe all those that commit crimes should be held accountable, and I sympathize with all victims of crimes.

I am proud of the role my agency plays in the Fairfax County criminal justice system by ensuring the safe and orderly administration of justice. Simply put, the justice system comes to a halt without the Fairfax County's Sheriff's Office.

We are tasked with serving every document issued by our court system, including protective orders and subpoenas. We are responsible for providing security to our courthouse and ensuring the safety of hundreds of thousands of courthouse visitors every year, including judges, victims, and witnesses.

We operate a secure and humane adult detention center, and we hold certifications from the American Correctional Association, the Virginia Law Enforcement Professional Standards Commission, the Virginia Department of Corrections, and the National Commission on Correctional Health Care (NCCHC).

In addition to our accreditation, I am proud of the groundbreaking, nationally recognized programs that run daily in my jail. These efforts are critical to reducing recidivism and making our community safer.

The functions of my agency are carried out daily to ensure the safe and orderly administration of justice in Fairfax County. My agency is not staffed for, budgeted for, or mandated to perform the duties of the Federal Government. My operating budget is approved by State and local government and is allotted specifically to carry out State and local mandated functions maintaining a safe and secure detention center, serving civil process, and ensuring the safety of the courthouse. It is simply not the job of the Fairfax County Sheriff's Office to engage in Federal immigration enforcement.

Despite this, we work with ICE in significant ways. We treat them like every other law enforcement agency we interact with. They are allowed into our facility at any time. They are notified of every undocumented immigrant booked into our jail and they know their location. If there is an individual they want to take custody of, they can do so by obtaining a judicial warrant, calling to ask when the individual will be released, tracking the individual's court date, or taking custody of the individual up to five days prior to their release.

When ICE does call, we even coordinate high-risk transfers with ICE to ensure their safety. We have no problem with ICE conducting its lawful business, but it is their business to conduct, not ours.

Fairfax County is one of the top 50 most diverse counties in the entire Nation. Over 30 percent of Fairfax County's population is foreign-born, and over 40 percent speaks a language other than English at home. I am the sheriff for each one of these residents of Fairfax County, no matter their national origin, native language, and citizenship status.

Ensuring trust between the community and my agency is a key component of effective law enforcement. To encourage all victims to put their faith in law enforcement and report crimes, a clear separation between local law enforcement and Federal immigration authorities is of vital importance. Local law enforcement must offer a safe place for victims and witnesses to cooperate without fear of consequences. This is the only way to hold violators accountable of the law.

Any violent crime or crime against children is a tragedy. Unfortunately, we live in a time when such tragedies are used for political gain. It is easy to point fingers at a time of sadness and crisis, and to look for blame for a terrible outcome.

Even when everyone in the criminal justice system does their job, terrible people will do terrible things. We are doing our job by following the law and will continue to do so. Hopefully, the other agencies involved will do their jobs as well.

I look forward to continuing this conversation with anyone who wishes to find real solution devoid of politics.

Thank you.

[The prepared statement of Sheriff Kincaid follows:]

Testimony of Sheriff Stacey A. Kincaid

Fairfax County, Virginia

May 14, 2026

Chairman McClintock, Ranking Member Jayapal, and distinguished members of the Subcommittee, thank you for the opportunity to appear before you today.

My name is Stacey Ann Kincaid and I am the Sheriff of Fairfax County, Virginia. I was sworn in as a Deputy Sheriff in 1987, and I worked my way through the ranks of my agency, serving in every division with distinction. After achieving the rank of Captain, I ran for Sheriff in 2013 and have since been re-elected three times with overwhelming majorities. As Sheriff, it has been an honor to serve Fairfax County.

The safety and security of Fairfax County have been my absolute priority for the past 38 years. I entered law enforcement to serve my community and to help protect the vulnerable. I believe all those that commit crimes should be held accountable and I sympathize with all victims of crime.

I am proud of the role my agency plays in the Fairfax County criminal justice system by ensuring the safe and orderly administration of justice. Simply put, the justice system comes to a halt without our agency. We are tasked with serving every document issued out of our court system, including protective orders and subpoenas. We are responsible for providing security for the Courthouse and ensuring the safety of hundreds of thousands of courthouse visitors every year, including judges, victims, and witnesses. We operate a secure and humane Adult Detention Center. The Fairfax County Sheriff's Office holds certifications from the American Correctional Association, the Virginia Law Enforcement Professional Standards Commission, the Virginia Department of Corrections, and the National Commission on Correctional Health Care. In addition to our accreditation, I am proud of the groundbreaking, nationally recognized programs that run daily in my jail. These efforts are critical to reducing recidivism and making our community safer.

The functions of my agency are carried out daily to ensure the safe and orderly administration of justice in Fairfax County. My agency is not staffed for, budgeted

for, or mandated to perform the duties of the federal government. My operating budget is approved by the state and local government and is allotted specifically to carry out state and locally mandated functions... maintaining a safe and secure detention center, serving civil process, and ensuring the safety of the courthouse. It is simply not the job of the Fairfax County Sheriff's Office to engage in federal immigration enforcement.

Despite this, we work with ICE in significant ways. We treat them like every law enforcement agency we interact with. They are allowed into our facility at any time. ICE is notified of every undocumented individual booked into our jail and knows their location. If there is an individual, they want to take custody of, they can do so by obtaining a judicial warrant, calling to ask when the individual will be released, tracking the individual's court date, or taking custody of the individual up to 5 days prior to their release. When ICE does call, we even coordinate high-risk transfers with ICE to ensure their safety. We have no problem with ICE conducting its lawful business. But it is their business to conduct, not ours.

However, increased ICE presence in the community has had a chilling effect on participation in the criminal justice process by victims and witnesses.

Fairfax County is one of the top 50 most diverse counties in the entire nation. Over 30% of Fairfax County's population is foreign-born, and over 40% speaks a language other than English at home. I am the Sheriff for each one of the residents of Fairfax County, no matter their national origin, native language, or citizenship status. Ensuring trust between the community and my agency is a key component of effective law enforcement.

To encourage all victims to put their faith in law enforcement and report crimes, a clear separation between local law enforcement and federal immigration authorities is of vital importance. Local law enforcement must offer a safe place for victims and witnesses to cooperate without fear of consequences. This is the only way to hold violators of the law accountable.

Any violent crime or crime against children is a tragedy. Unfortunately, we live in a time when such tragedies are used for political gain. It is easy to point fingers at a time of sadness or crisis and to look for blame for a terrible outcome. Even when everyone in the criminal justice system does their job, terrible people will do

terrible things. We are doing our job by following the law and will continue to do so. Hopefully, the other agencies involved will do their jobs as well. I look forward to continuing this conversation with anyone who wishes to find real solutions devoid of politics.

Mr. MCCLINTOCK. Thank you for your testimony. Mr. Descano?

STATEMENT OF THE HON. STEPHEN DESCANO

Mr. DESCANO. Chair McClintock, Ranking Member Jayapal, Chair Jordan, Ranking Member Raskin, and the distinguished Members of this Subcommittee, as a West Point graduate, Federal prosecutor, and now the Commonwealth's Attorney for Fairfax County, Virginia, I have devoted my life to public service and public safety.

I was the first in my family to graduate from college, and I was inspired by West Point's credo of providing a lifetime of selfless service to the Nation.

I was first elected as Commonwealth's Attorney in 2019 on a promise to adopt smart-on-crime policies that prioritized the prosecution of violent crime. I'm proud of what we have accomplished. Fairfax County is one of the safest large communities anywhere in the country.

The public safety of Fairfax County motivates all my work. Our office has successfully prosecuted thousands of cases, including high-profile murders, sexual assaults, and other serious offenses. We've worked with our law enforcement partners to more effectively prosecute gun crimes; we expanded a diversion program for struggling veterans; and we spearheaded bipartisan, statewide reforms to better protect child victims and witnesses, in partnership with the Republican Governor.

Even in safe communities, though, crime does happen, like the tragic murder of Stephanie Minter, whose mother Cheryl is here today.

Ms. Minter, I am deeply sorry for your loss. I say that not only as a prosecutor, but as a parent of a daughter. I am sorry for what you are having to endure. I promise that my office is doing everything we can to prosecute the man responsible.

I've been asked to testify today about my office's policies. I welcome any conversation about how to reduce and prevent violence. Unfortunately, I expect some will, instead, promote a false narrative that gets us no closer to real solutions that Americans deserve.

Let me be absolutely clear. My office does not provide sanctuary or safe harbor to undocumented immigrants. In fact, we routinely prosecute immigrants who commit crimes and we will continue to do so.

Our approach to prosecution of crime has helped make Fairfax County one of the safest jurisdictions of its size in the country. Last year, we had far fewer homicides than in almost any other major jurisdiction in the United States, including in States that many Members of this Subcommittee represent.

Serious violent crime in Fairfax County is also lower than that of most other large jurisdictions, and Fairfax residents know it's safe. A *Washington Post* poll found that 94 percent of Northern Virginia residents reported feeling safe from crime in their neighborhood. The citizens of Fairfax County have weighed in by reelecting me with 77 percent of the vote.

My office also works with our Federal partners to prosecute crimes, and like many State and local prosecutors, my office has a

policy of not assisting ICE with Federal civil immigration enforcement. We do not have the budget or personnel to enforce Federal civil immigration law, and it is simply not our job.

We handle 15,000 criminal cases each year, which are 52 full-time attorneys and a limited budget. Our policy of not diverting our resources to Federal immigration enforcement also makes our community safer. Three in 10 residents in Fairfax County are immigrants. When crimes occur, we need victims and witnesses, including members of our immigrant communities, to report those crimes and come to court to testify. If victims and witnesses believe my office will report them or their neighbors to ICE, they will not trust us and they will not provide the testimony we need to obtain convictions and get justice.

It is justice that my office is now seeking by prosecuting the defendant Abdul Jalloh in the tragic murder of Stephanie Minter. The system failed Ms. Minter, and we should all look for ways we can prevent tragedies like this in the future. That starts with understanding the facts.

The defendant was well-known by ICE as early as 2018, when ICE held him in custody for nearly two years during the first Trump Administration, only to release him into the community. After that, my office worked closely with law enforcement to prosecute him and obtain convictions for his crime wherever possible, and despite challenges in those cases.

We are fully committed to holding the defendant accountable in this case. As a local prosecutor, I will continue to focus on my job prosecuting defendants who commit crimes in Fairfax County. In carrying out that role, my office makes case decisions based on the law, the evidence in the case, the interests of the victim, and of service of seeking justice and keeping our community safe.

Thank you for having me, and I welcome your questions.

[The prepared statement of the Hon. Descano follows:]



**U.S. House of Representatives Committee on the Judiciary
Subcommittee on Immigration Integrity, Security, and Enforcement**

"Fairfax County, Virginia: The Dangerous Consequences of Sanctuary Policies"

May 14, 2026

**Statement of Commonwealth's Attorney Stephen Descano
Office of the Fairfax County Commonwealth's Attorney**

Chairman McClintock, Ranking Member Jayapal, Chairman Jordan, Ranking Member Raskin, and distinguished members of this Subcommittee.

As a West Point graduate, a federal prosecutor, and now the Commonwealth's Attorney for Fairfax County, Virginia, I have devoted my life to public service and public safety. I was the first in my family to graduate from college, and I was inspired by West Point's credo of providing a "lifetime of selfless service to the Nation."

I was first elected as Commonwealth's Attorney in 2019 on a promise to adopt smart-on-crime policies that prioritize the prosecution of violent crimes. I am proud of what we have accomplished. Fairfax County is one of the safest large communities in the country.

The public safety of Fairfax County motivates all our work. Our office has successfully prosecuted thousands of cases, including high-profile murders, sexual assaults, and other serious offenses. We have worked with our law enforcement partners to more effectively prosecute gun crimes. We expanded a diversion program for struggling veterans. And we spearheaded bipartisan, statewide reforms to better protect child victims and witnesses in partnership with a Republican governor.

Even in safe communities though, crime does happen, like the tragic murder of Stephanie Minter, whose mother, Cheryl, is here today. My heart goes out to the Minter family for their loss. I say that not only as the Commonwealth's Attorney but also as a parent. I can assure you that my office is prosecuting the man responsible to the fullest extent of the law.

I have been asked to testify today about my office policies. I welcome any conversation about how to reduce and prevent violence. Unfortunately, I expect some will instead promote a false narrative that gets us no closer to real solutions that Americans deserve.

Let me be absolutely clear. My office does not provide sanctuary or safe harbor to undocumented immigrants. In fact, we routinely prosecute immigrants who commit crimes and we will continue to do so.

Our approach to prosecution of crime has helped make Fairfax County one of the safest jurisdictions of its size in the country. Last year, we had far fewer homicides than in almost any other major jurisdiction in the United States, including in states that many members of the Subcommittee represent.

Serious violent crime in Fairfax County is also lower than that of most other large jurisdictions. And Fairfax residents know it's safe; a Washington Post poll found that 94% of Northern Virginia residents reported feeling safe from crime in their neighborhood. And the citizens of Fairfax County have weighed in by re-electing me with 77% of the vote.

My office also works with our federal partners to prosecute crimes. Like many state and local prosecutors, my office has a policy of not assisting U.S. Immigration and Customs Enforcement (ICE) with federal civil immigration enforcement. We do not have the budget or personnel to enforce federal civil immigration law, and it is simply not our job. We handle 15,000 criminal cases each year with just 52 full-time attorneys and a limited budget.

Our policy of not diverting our resources to federal immigration enforcement also makes our community safer. Three in ten residents of Fairfax County are immigrants. When crimes occur, we need victims and witnesses, including members of our immigrant communities, to report those crimes and come to court to testify. If victims and witnesses believe my office will report them or their neighbors to ICE, they will not trust us and they will not provide the testimony we need to obtain convictions and get justice.

It is justice that my office is now seeking by prosecuting the defendant, Abdul Jalloh, in the tragic murder of Stephanie Minter. The system failed Ms. Minter, and we should all look for ways we can prevent tragedies like this in the future. That starts with understanding the facts.

The defendant was well known by ICE as early as 2018, when ICE held him in custody for nearly two years during the first Trump Administration, only to release him into the community. After that, my office worked closely with law enforcement to prosecute him and obtain convictions for his crimes, wherever possible and despite challenges in those cases. We are fully committed to holding the defendant accountable in this case.

As a local prosecutor, I will continue to focus on my job of prosecuting defendants who commit crimes in Fairfax County. In carrying out that role, my office makes case decisions based on the law, the evidence in the case, the interests of the victim, and in service of seeking justice and keeping our community safe.

I welcome your questions.

Mr. MCCLINTOCK. Thank you for your testimony. We will next hear from the former Attorney General of the State of Virginia, Hon. Jason Miyares.

STATEMENT OF THE HON. JASON MIYARES

Mr. MIYARES. Mr. Chair, Ranking Member, and the Members of the Subcommittee, before I say anything else, I want to acknowledge the woman seated with us today, Ms. Cheryl Minter, the mother of Stephanie. She has agreed to share her story with this Committee, and there is no one braver in this room. I will let her speak about what she has lost, but I want to give you the context, because what happened to Stephanie did not have to happen in this vacuum.

Now, I come to the immigration issue personally. My mother fled communist Cuba literally penniless and homeless, and not knowing where her next meal was going to come from. She came to this country legally, stood in line, filled out the forms, and did everything the right way because she believed in the rule of law and the promise of America. She left behind everything because she knew she wanted to come here the right way. That's what legal immigration looks like. I'm the son of a legal immigrant; I believe in immigration deeply.

What I do not believe in, what I cannot accept, is a system that extends preferential treatment to those who break our laws at the direct expense of the American citizens whose laws are supposed to protect. In Fairfax County, Virginia, that is precisely what happened not once, not twice, repeatedly.

Cheryl will tell you about Stephanie. The Members of this Committee, I want you to understand that Stephanie Minter is not an isolated tragedy. She is the most recent and visible name in a documented and ongoing pattern of preventable crimes, a pattern with a single common cause: The sanctuary policies of Fairfax County.

In December 2025, a man was shot and killed inside his own home in Reston, one day after Marvin Fernando Morales-Ortez, a criminal illegal alien from El Salvador, was released from jail, despite an active ICE detainer. He had prior arrests for aggravated assault of a police officer. Fairfax refused to hold him. He killed a man the very next day. A single phone call from Fairfax to ICE would have saved this man's life.

In November 2024, a woman was raped on a hiking trail in Herndon, Virginia, just days after her attacker was released from jail following a felony assault charge reduction made without ever consulting the police. The ICE detainer was ignored. She became the next victim.

A four-year-old girl was nearly abducted in the middle of the night by an illegal alien who broke into her bedroom. Charges were reduced progressively over 18 months down to a misdemeanor, then dropped entirely.

In July 2024, two illegal aliens stamped a stabbed a man to death at a park in Oakton. ICE had lodged multiple detainers on one of the suspects that Fairfax County had refused to honor. He was released back to the community. Then, he killed.

In the last several weeks, girls as young as 13 were groped repeatedly in the hallways of a Fairfax County high school by an ille-

gal alien enrolled as a student at age 19. ICE asked that he be held; Fairfax refused. Same county, same prosecutor, same policy over and over again.

Members, this is not incompetence; this is not coincidence; this is policy. Commonwealth's Attorney Descano publishes it on his own website. His office's formal written policy states that prosecutors shall, whenever possible, make charging and plea decisions that, quote, "limit or avoid immigration consequences." That's not prosecutorial discretion; that is discrimination against American citizens in favor of those here illegally who commit additional crime.

That is why the Law Enforcement Legal Defense Fund petitioned the Department of Justice, which earlier this month opened a civil rights investigation into Mr. Descano's office arguing that his policies violate the Equal Protection Clause of the 14th Amendment.

Let me be clear about the law. Immigration is not a shared power with States. It belonged exclusively to the Federal Government, and Federal law expressly prohibits State and local governments from restricting communication with Federal immigration authorities. Fairfax County's policies do exactly that. This is not noncooperation; this is a deliberate choice to put a violent criminal back on the street.

We know what works because Virginia proved it under Governor Glenn Youngkin. His Executive Order 47 established a State Immigration Task Force, and within eight weeks, over 130 gang members were picked up, including the East Coast leader of the MS-13 living freely in Prince William County. He was captured. Virginia was called the national model.

Our new Governor Spanberger dismantled it. Her first day in office, she signed Executive Order 1, ending State cooperation with ICE just 19 days before Stephanie Minter was killed. She now has a bill on her desk that would prohibit every jurisdiction in Virginia from cooperating with ICE. I think we all know what she will do.

Government's first and most fundamental duty is to protect the people it governs. Sanctuary policies represent a catastrophic and willful failure of that duty.

My mother came to this country because she believed the law would protect her. Cheryl Minter believed the same thing. Stephanie Minter deserved the same thing. Virginians are paying the price. I'm asking this Committee to make this stop.

Thank you, Mr. Chair. I welcome the Committee's questions.

[The prepared statement of the Hon. Miyares follows:]

OPENING STATEMENT – JASON MIYARES

*Former 48th Attorney General of Virginia**House Judiciary Subcommittee on Immigration Integrity, Security, and Enforcement | May 14,
2026*

Chairman, Ranking Member, and Members of the Subcommittee —

Before I say anything else, I want to acknowledge the woman seated with us today: Cheryl Minter. She is the mother of Stephanie Minter. She has agreed to share her story with this Committee, and there is no one braver in this room. I will let her speak to what she has lost. What I want to do is give you the *context* — because what happened to Stephanie did not happen in a vacuum.

I come to this issue personally. My mother fled Cuba. She came to this country legally, stood in line, filled out the forms, and did everything the right way — because she believed in the rule of law and in the promise of America. She left behind everything she knew because she wanted to come here **the right way**. That is what legal immigration looks like. I am the son of a legal immigrant, and I believe in immigration deeply.

What I do not believe in — what I *cannot* accept — is a system that extends preferential treatment to those who break our laws, at the direct expense of the American citizens those laws are supposed to protect. And in Fairfax County, Virginia, that is precisely what has happened. Not once. Not twice. **Repeatedly.**

Cheryl will tell you about Stephanie. But Members of this Committee, I want you to understand that Stephanie Minter is not an isolated tragedy. She is the most recent and visible name in a documented, ongoing pattern of preventable crimes — a pattern with a single common cause: the sanctuary policies of Fairfax County.

In **December 2025**, a man was shot and killed inside his own home in Reston — one day after Marvin Fernando Morales-Ortez, a criminal illegal alien from El Salvador, was released from jail despite an active ICE detainer. He had prior arrests for aggravated assault of a police officer. Fairfax refused to hold him. He killed a man the very next day. **A single phone call from Fairfax to ICE would have saved that man's life.**

In **November 2024**, a woman was raped on a hiking trail in Herndon — days after her attacker was released from jail following a felony assault charge reduction made without consulting police. The ICE detainer was ignored. She became his next victim.

A four-year-old girl was nearly abducted in the middle of the night by an illegal alien who broke into her bedroom. Charges were reduced progressively over eighteen months — down to a misdemeanor — and then dropped entirely.

In **July 2024**, two illegal aliens stabbed a man to death at a park in Oakton. ICE had lodged multiple detainers on one of the suspects that Fairfax County refused to honor. He was released back into the community. Then he killed.

In the last several weeks — girls as young as thirteen were groped repeatedly in the hallways of a Fairfax County high school by an illegal alien enrolled as a student. ICE asked that he be held. Fairfax refused.

Same county. Same prosecutor. Same policy. Over and over again.

Members — this is not incompetence. This is not coincidence. **This is policy.**

Commonwealth's Attorney Descano published it on his own website. His office's formal written policy states that prosecutors shall, wherever possible, make charging and plea decisions that "*limit or avoid immigration consequences.*" That is not prosecutorial discretion — it is **discrimination**. Against American citizens. In favor of those here illegally who commit additional crimes. The Law Enforcement Legal Defense Fund has formally petitioned the Department of Justice, which earlier this month has opened a civil rights investigation into Mr. Descano's office — arguing this policy violates the Equal Protection Clause of the Fourteenth Amendment. They are right.

Let me be direct about the law.

Immigration is not a shared power with states. It belongs exclusively to the federal government. Federal law — **8 U.S.C. § 1373** — expressly prohibits state and local governments from restricting communication with federal immigration authorities. Fairfax County's policies do exactly that. The anti-commandeering doctrine does not authorize releasing a man with thirty arrests and a federal removal order rather than letting ICE take him. That is not non-cooperation. **That is a deliberate choice to put a violent criminal back on the street.**

We know what works — because Virginia proved it.

Governor Youngkin’s Executive Order 47 established a state immigration task force. Within eight weeks: 521 criminal illegal aliens arrested — including 132 gang members. The East Coast leader of MS-13, living in Prince William County, was captured. ICE called Virginia a national model.

Governor Spanberger dismantled it. She signed an order ending state cooperation with ICE just **nineteen days before Stephanie Minter was killed**. She now has a bill on her desk that would prohibit every jurisdiction in Virginia from cooperating with ICE. We know what she’ll do.

This Committee has the power to change the equation — permanently. Fund 287(g) agreements. Condition federal law enforcement grants on detainer compliance. Give Section 1373 real enforcement teeth. Give families like Cheryl Minter’s the right to hold sanctuary jurisdictions accountable in federal court.

Government’s first and most fundamental duty is to protect the people it governs.

Sanctuary policies represent a catastrophic and willful failure of that duty.

My mother came to this country because she believed the law would protect her. Cheryl Minter believed the same thing. Stephanie Minter deserved the same thing. Virginians are paying the price. And I am asking this Committee to make it stop.

Thank you, Chairman. I welcome the Committee’s questions.

Mr. MCCLINTOCK. Thank you for your testimony. We will next hear from Professor Stoever.

STATEMENT OF JANE STOEVER

Ms. STOEVER. Chair, Ranking Member, and the distinguished Members, thank you for the opportunity to testify.

My name is Jane Stoever, and I'm a law professor at the University of California, Irvine School of Law, having first taught at Georgetown and American, directing domestic violence clinics for over 20 years now.

Today's hearing was prompted by an unthinkable tragedy, and I extend my deepest condolences to Ms. Cheryl Minter for the loss of her daughter Stephanie Minter.

All victims deserve safety and justice, and many has been failed by the systems that purport to help them. I'll be direct though. Focusing on immigration enforcement as the solution to violence against women is rooted in false narratives, not facts.

Contrary to the premise of this hearing, sanctuary policies aren't obstacles to public safety; they're essential to it. Study after study, including by criminologist Charis Kubrin, shows that immigrants commit fewer crimes, and law enforcement leaders have warned that, when survivors fear the police, crimes go unreported and communities become less safe.

As Cochair of my county's Domestic Violence Death Review Team, I can assure you, preventing abuse prevents fatalities. Policies that allow survivors to seek help without fear, to call the police without fear, save lives and improve community safety.

I urge this Committee to focus on the real solutions to preventing and responding to violence against women, because I see my clients' safety further jeopardized now. Immigrant women in the United States face a lifetime risk of domestic violence—as high as 49.8 percent. That's three times the national average and 60 percent of immigrant women married to U.S. citizens experience immigration-related abuse.

Survivors need protection, but face a Catch 22 remains in danger or risk deportation. Immigration enforcement has exponentially increased as Congress has allocated \$170 billion and plans to add \$70 billion more. ICE agents have daily arrest targets and are now empowered to stop, arrest, and detain people on the basis of race, language, location, and employment, and immigrant survivors are being swept up.

In this context, the Alliance for Immigrant Survivors surveyed over 170 advocates and attorneys nationwide. Their findings are alarming. Over three-quarters of immigrant survivors have concerns about contacting the police. Seventy percent fear attending any court hearings, and half ultimately choose not to contact the police or to go to court for abuse.

In Virginia, Fairfax County law enforcement reports rising numbers of victims withdrawing complaints. Survivors are avoiding courthouses, food banks, prenatal care, and shelters due to ICE raids, and are arranging for third parties to take custody of their children, should they be deported.

At the same time, legal protections are being dismantled. Over 30 years ago, Congress enshrined protections for immigrants in the

Violence Against Women Act with bipartisan support, and then, passed the Victims of Trafficking and Violence Prevention Act Protection Act. Today, survivors with pending, and even approved, petitions are being detained and removed.

USCIS backlogs of VAWA self-petitions and lifesaving T and U visas compound the crisis with U visas taking over a decade to grant now.

One of my clients married a U.S. citizen, but fled life-threatening abuse during pregnancy, only to be ordered removed unless she could prove successful adjudication of her vow of self-petition in one month's time. USCIS processing times are over four years currently. We expedited her case and awaited the decision on appeal. She is not the danger this administration or this hearing purport to address. Yet, she has been made a target, and I shudder to think what would happen if she didn't have an attorney.

To seriously address crime victim safety, I respectfully urge Congress to:

(1) Reject Section 287(g) agreements which harmfully entangle local police with Federal immigration enforcement.

(2) To prohibit enforcement actions at courthouses, abuse shelters, and medical facilities the places we want people to seek help.

(3) To bar ICE from detaining or removing individuals with pending survivor-based claims, as was Congress' original intent.

(4) To restore valid VAWA U and T visa protections and public benefits, to fund USCIS staffing, and increase the annual caps.

(5) In contrast to the hundreds of billions of dollars for immigration enforcement, \$200 million in Federal victim services grants is sitting unspent, which should be immediately distributed to provide lifesaving services to survivors and those organizations, including in Virginia.

Please stay focused on survivor's safety and act with urgency to restore and strengthen vital safeguards. Thank you.

[The prepared statement of Ms. Stoevers follows:]

TESTIMONY OF PROFESSOR JANE STOEVER
University of California, Irvine School of Law

U.S. House of Representatives
Committee on the Judiciary
Subcommittee on Immigration Integrity, Security, and Enforcement

“Fairfax County, Virginia: The Dangerous Consequences of Sanctuary Policies”

May 14, 2026

PROTECTING IMMIGRANT DOMESTIC VIOLENCE SURVIVORS: THE URGENT NEED
FOR SAFE ACCESS TO LEGAL PROTECTION, POLICE RESPONSE, AND COMMUNITY
RESOURCES

INTRODUCTION

I come before you today having directed and taught domestic violence law clinics for over two decades, first here in the District of Columbia at Georgetown University Law Center and American University Washington College of Law, then in Seattle, and now at the University of California, Irvine School of Law. I also direct an interdisciplinary research center, the UCI Initiative to End Family Violence, and co-chair my county’s Domestic Violence Death Review Team.

When I started representing abuse survivors, I initially focused on the family-law remedies of civil protection orders, child custody, and divorce cases. I soon realized the vulnerability that would persist for any of my clients who lacked secure immigration status, so twenty years ago, I expanded my teaching, research, and legal representation to include the immigration remedies enacted through the Violence Against Women Act (VAWA), the Victims of Trafficking and Violence Protection Act and other federal protections for abuse survivors.

Today’s hearing was prompted by an unthinkable, preventable tragedy, and I extend my deepest condolences to Ms. Cheryl Minter for the loss of her daughter, Stephanie Minter.

As Congress legislates and has broad authority, my testimony cautions against viewing immigrants as criminals and focuses on how current, sweeping immigration enforcement practices endanger abuse survivors. What I witness every day in my Domestic Violence Clinic is survival, but it’s a survival made increasingly impossible by the current immigration enforcement environment. As I represent abuse survivors who have been strangled, stabbed, beaten, sexually assaulted, and threatened with deportation by someone who also professes love, and who is more often than not a U.S. citizen, I make the promise to try to walk out of every immigration courthouse and deportation-officer appointment together, a commitment that is increasingly hard to keep. I urge this Committee to take seriously the devastating impact current policies are having on immigrant abuse survivors and to act to restore the protections they urgently need.

At the outset, I acknowledge that many women and abuse victim-survivors often feel failed by the systems that are supposed to support them and keep them safe. There are many actions that the government could undertake to increase safety in our communities and reduce violence against women, but focusing on immigration enforcement and mass deportation as the solution to crimes against women is rooted in bias and false narratives and not facts.

Everyone who is victimized matters and deserves support and services. Immigrant survivors are uniquely vulnerable and face compounded barriers to seeking and receiving the help they need to be safe, and this has never been truer.

I. THE COMPOUNDING BARRIERS FACING IMMIGRANT SURVIVORS OF DOMESTIC VIOLENCE

Immigrant women in the United States, including in Virginia, face alarmingly high rates of victimization. Research indicates that immigrant women face a lifetime risk of domestic violence as high as 49.8%, which is three times the national average for prevalence of abuse.¹

Many abusive partners deliberately exploit and abuse a survivor's immigration status and fear of deportation as mechanisms of power and control. Sixty percent of immigrant women married to a U.S. citizen spouse experience immigration-related abuse.² For survivors who lack secure immigration status, "deportability is the ever-present threat . . . that shapes everyday life-limiting freedom,"³ allows physical and sexual abuse to escalate, and prevents psychological and emotional security. Abusive partners may exploit immigration status by threatening to contact or by actually contacting authorities to report their partners for violating immigration law. My clinics have served countless clients who said that their husbands threatened that if they call the police, then they will be deported and forever separated from their children. Other clients' partners have destroyed vital documents, such as birth certificates or passports, or kept the client's and their children's documents only in the abusive partner's possession. In addition to constant threats of deportation, abusive partners may also lie about their ability to assist in providing legal status to the survivor, have the survivor sign paperwork they do not understand, threaten to revoke any existing applications for status, and refuse to seek legal status for the survivor, which prevents them from working, ensures their reliance on the abusive partner for basic needs, and leaves them forever vulnerable.⁴ Among abusive spouses who could have filed

¹ Mary Ann Dutton, Rocio Molina & Loretta Young, *Evidence of Coercive Control: Proof of Extreme Cruelty in Immigration Cases and Power and Control Dynamics in Family Law Cases*, NATIONAL IMMIGRANT WOMEN'S ADVOCACY PROJECT (July 30, 2015), <http://library.niwap.org/wp-content/uploads/Powerpoint-Evidence-of-Coercive-Control-Proof-of-Extreme-Cruelty-in-Immigration-Cases-and-Power-and-Control-Dynamics-in-Family-Law-Cases.pdf>.

² *Id.*

³ Maryam Rafeifar, Toni A. Gallegos, & Regina T. Praetorius, *Understanding Family Dynamics in Mixed-Status Families: A Qualitative Interpretive Meta-Synthesis*, *Child & Family Social Work* 1, 1-14 (2025).

⁴ Leslye Orloff & Olivia Garcia, *Dynamics of Domestic Violence Experienced by Immigrant Victims*, AM. UNIV. WASH. COLL. OF L. (2015); Stephanie Thurott, *A Guide to Domestic Violence for U.S. Immigrants*, DOMESTICSHELTERS.ORG (Nov. 15, 2023), <https://www.domesticshelters.org/articles/escaping-violence/a-guide-to-domestic-violence-for-u-s-immigrants>.

for legal immigration status for victims, 72.3% never did, and the 27.7% who did file had an average delay of 3.97 years.⁵

Today's immigration enforcement regime puts even more power in the hands of abusive intimate partners. Increased isolation and exposure to their abuser gives abusive partners more control, while survivors' external support systems are severely limited.⁶ Abuse and coercive control, coupled with language barriers, isolation, and fear of authorities, entrap abused immigrants in violent relationships and present barriers to seeking help. It is in this context that immigrant survivors of domestic violence, sexual assault, and human trafficking are reporting increased fear of reaching out for help at all.

II. THE DEVASTATING IMPACT OF CURRENT IMMIGRATION ENFORCEMENT ON SURVIVORS

Many immigrant abuse survivors contend with a "catch-22 situation: ask for help and risk deportation, retaliation by an abuser, and separation from one's children, or stay with a violent partner and risk one's life."⁷ Among compounding barriers to safety, immigration enforcement policies now jeopardize access to resources that may be critical to survivor assistance, including hospitals, law enforcement, social service providers, and legal mechanisms such as Violence Against Women Act (VAWA) Self-Petitions and U and T visas.

The situation for immigrants has become substantially more precarious and dangerous under the current Administration. Presidential Executive Orders have attempted to eliminate humanitarian protections previously afforded to some immigrants and expanded the enforcement focus from the border to the interior of the country. These efforts have resulted in the detention of not only those without immigration status, but also those with lawfully issued visas or pending applications for relief, including survivors of domestic violence and human trafficking, refugees in line for entry, lawful permanent residents awaiting oath ceremonies for citizenship, and others.

Immigration enforcement has increased drastically in scale and scope. Congress has allocated \$170 billion for immigration enforcement.⁸ ICE has increased its size by adding more than 12,000 new agents and adopted a daily target of 3,000 arrests, leading to record detention

⁵ *Intimate Partner Violence Undocumented & Immigrant Women*, NATIONAL ORGANIZATION FOR WOMEN (NOW), <https://now.org/wp-content/uploads/2017/06/Learn-More-IPV-and-Immigrant-Womenpdf.pdf>.

⁶ See *Understanding the Intersections of Sexual Assault and Immigration Status*, TAHIRIH JUST. CTR. (Apr. 26, 2023), <https://www.tahirih.org/news/understanding-the-intersections-of-sexual-assault-and-immigration-status/>.

⁷ Caroline Bettinger-Lopez et al., *The Effects of Anti-Immigrant Laws in the U.S. on Victims of Domestic Violence*, 23 HARV. LATINX L. REV. 17, 19 (2020).

⁸ One Big Beautiful Bill Act, Pub. L. No. 119-21, § 100051-55, 139 Stat. 71, 385-92 (2025); see also Senate Approves Unprecedented Spending for Mass Deportation, Ignoring What's Broken for our Immigration System, AM. IMMIGR. COUNCIL (Jul. 1, 2025), <https://www.americanimmigrationcouncil.org/press-release/congress-approves-unprecedented-funding-mass-detention-deportation-2025/>.

numbers of more than 70,000 in 2025.⁹ ICE agents are now empowered to stop, arrest, and detain people on the basis of race, language, location, and employment.¹⁰

Nationwide, immigrant survivors are more afraid than ever to seek help from courts or law enforcement.¹¹

Service providers struggle to provide services without increasing their clients' risk of detection by ICE. As one Illinois advocate shared: "The chilling effect of U.S. Immigration and Customs Enforcement's presence undermines safety, justice, and healing for immigrant survivors. Many survivors avoid going to domestic violence agencies or courthouses out of fear of detention, deportation, or family separation. This prevents them from filing police reports, obtaining orders of protection, or accessing other vital social services, and abusers often exploit this fear to maintain control."¹²

The Alliance for Immigrant Survivors (AIS) conducted a nationwide survey of over 170 advocates and attorneys nationwide to better understand the current experiences, needs, and lived realities of immigrant survivors in the United States. Findings reveal how changes to federal immigration policies are negatively impacting the help-seeking behaviors of immigrant survivors, such as reporting crime, pursuing orders of protection, or contacting advocates for support. According to this 2025 survey:

- 75.6% of immigrant survivors of domestic violence, sexual assault, and human trafficking have concerns about contacting the police.
- 70.3% have concerns about attending court hearings relating to their abuse.
- 50% of those with concerns ultimately chose not to contact the police or go to court.
- 35.6% of advocates served survivors who dropped civil or criminal cases relating to their abuse due to fear of contact with ICE.
- 76% of advocates reported that abusive partners were using deportation threats against survivors.¹³

Virginia-specific findings from the AIS survey include open-ended responses from a victim service provider in Fairfax County, a legal services provider in Fairfax County, and a legal aid provider in Alexandria, Virginia.

⁹ See *ICE Announces Historic 120% Manpower Increase, Thanks to Recruitment Campaign that Brought in 12,000 Officers and Agents*, DEP'T OF HOMELAND SEC. (Jan. 3, 2026), <https://www.dhs.gov/news/2026/01/03/ice-announces-historic-120-manpower-increase-thanks-recruitment-campaign-brought>; Jose Olivares, *Trump Administration Sets Quota to Arrest 3,000 People a Day in Anti-Immigration Agenda*, THE GUARDIAN (May 29, 2025), <https://www.theguardian.com/us-news/2025/may/29/trump-ice-arrest-quota>; *Detention Management*, U.S. IMMIGR. AND CUSTOMS ENF'T, <https://www.ice.gov/detain/detention-management> (last visited Mar. 25, 2026) (to find 2025 detention statistics navigate to the bottom of the page and click "FY 2025 ICE Statistics").

¹⁰ See *Order Granting Application for Stay*, Noem v. Vasquez-Perdomo, 146 S. Ct. 1 (2025) (staying an injunction barring immigration enforcement stops based on race, language, location, and employment, and thereby allowing these practices to continue during the course of litigation on this issue).

¹¹ *Fear and Silence: 2025 Insights from Advocates for Immigrant Survivors of Domestic Violence, Sexual Assault, and Human Trafficking*, ALLIANCE FOR IMMIGR. SURVIVORS (Dec. 10, 2025), <https://www.immigrantsurvivors.org/fear-and-silence-report>.

¹² *20th Annual Domestic Violence Counts Report*, NATIONAL NETWORK TO END DOMESTIC VIOLENCE, 1, 7 (2026), <https://nnedv.org/wp-content/uploads/2026/03/20th-Annual-DV-Counts-Report-Full-Report-FINAL.pdf>.

¹³ See *id.*

The victim service provider in Fairfax County reported:

- One client did not call the police when her abuser stalked and assaulted her because she was afraid that the police would find out her immigration status and deport her. This client also felt that her abuser would disclose that information to the police as retaliation for reporting him.
- Another client decided to stay with her abuser because he was in control of her visa. Her abuser leveraged deportation as a form of control.
- In general, immigrant clients are having their immigration status used as a form of abuse, they are afraid to report abuse to law enforcement as their immigration status could lead to their deportation, and they are afraid to leave their abusers because of their immigration status.
- Immigrants report feeling unsure of the safety at food banks and shelters due to ICE raids and they are concerned about ICE presence at the courthouse.

The legal services provider in Fairfax County reported:

- Law enforcement and law enforcement-adjacent partners have reported an increased rate of no-shows at court proceedings by victims, as well as an increase in the number of withdrawn complaints by immigrant victims.
- The Fairfax County office responded by offering remote services for individuals who don't feel safe leaving the home, which was especially used by clients in areas with heavy ICE enforcement, and attending biometrics appointments with clients who were afraid of what might happen if they went alone.
- The county has strong immigrant protection policies in place and has actively sought training and information to understand how to help make immigrants feel safe and comfortable accessing services.

A legal aid office in Alexandria, VA, which borders Fairfax County and where the Sheriff has taken a different approach than Fairfax County, reported:

- Many people are not calling the police nor getting help from the courts for abuse because they are afraid of the immigration consequences. Not only are they not pursuing the criminal route, but they are often avoiding civil cases like protective orders because of this fear.
- Some people are not going to court at all, including for unrelated issues like housing or traffic offenses and getting default judgments, even when they have legal defenses, because of it.
- Many people are also filing for third parties to have custody of their children so that they can leave their children with someone in the U.S. if they are deported.
- I have had very few immigrant survivor clients recently.

During the first year of the prior Trump presidency, there was a policy change in 2017 that resulted in detaining people who went to court. A 2018 national ACLU survey similarly revealed that 69% of police officers reported that domestic violence was harder to investigate in 2017 than

in 2016 because immigrant survivors were fearful and less willing to cooperate with police after ICE began detaining people who appeared in court for hearings.¹⁴

It has long been the case that fear of immigration consequences is a substantial reason that many immigrants do not report violence to law enforcement. But the risk of engaging with law enforcement is now magnified by current immigration enforcement practices and Section 287(g) agreements, as well as less formal cooperation and coordination between state and local law enforcement and immigration enforcement including intergovernmental agreements and MOUs. Expanded interior enforcement and the increasingly indistinguishable and interdependent relationship between local law enforcement and ICE have eroded the usefulness of prior access points for safety and transformed them into enforcement opportunities for immigration detention.

III. COMMUNITY ACCESS: CHURCHES, CLINICS, HOSPITALS, AND SCHOOLS ARE NO LONGER SAFE

Immigrants are not only afraid to call the police, but they also fear accessing community services altogether. Increases in ICE enforcement have made places like churches, community organizations, and schools feel like dangerous spaces. Documentation requirements and ICE presence at hospitals have resulted in healthcare providers reporting an uptick in patients delaying care, opting for telehealth appointments when in-person care is needed, and refusing long-term care options.¹⁵

Even for lawfully present immigrants, racial and ethnic targeting and reports of those with legal status being detained and even deported has created a climate of fear that causes them to avoid essential services. Reports of the Administration seeking to denaturalize hundreds of citizens further fuels fear. Service providers describe immigrant patients as feeling “increased levels of anxiety, fear, and uncertainty due to heightened immigration enforcement, detentions, and deportations, leading to negative impacts on mental health, including depression and PTSD symptoms.”¹⁶

One service provider reported that a pregnant immigrant client did not seek prenatal care for eight months because she was afraid that going to the doctor and accessing healthcare could risk being picked up by ICE and deported. Only after extensive counseling from her attorney and social worker did she finally get the care she needed in her ninth month of pregnancy.¹⁷

¹⁴ *Freezing Out Justice*, AMERICAN CIVIL LIBERTIES UNION (ACLU) (May 3, 2018), <https://www.aclu.org/publications/freezing-out-justice>.

¹⁵ <https://www.kff.org/immigrant-health/kff-new-york-times-2025-survey-of-immigrants-health-and-health-care-experiences-during-the-second-trump-administration/>.

¹⁶ Rod Harris, *The Impact of Mass Detention and Deportation Efforts on the Mental Health of Immigrant Families*, UNIV. OF ILL. CTR. ON DEPRESSION AND RESILIENCE (Oct. 17, 2025), <https://uifightdepression.psych.uic.edu/ui-center-on-depression-and-resilience/the-impact-of-mass-detention-and-deportation-efforts-on-the-mental-health-of-immigrant-families>.

¹⁷ Client account on file with the Author.

I see this fear preventing my own clients' medical care, safety protections, and basic needs. Multiple clients asked me, when the injunction in *Noem v. Vasquez-Perdomo*¹⁸ was in effect barring immigration enforcement stops based on race, language, location, and employment, if they could safely take care of medical needs they had been postponing while afraid to leave their homes. The fact that a client must ask whether she is safe enough to seek medical attention illustrates the profound harm being executed. With that injunction lifted, many of my clients are again postponing medical care and help seeking.

A Washington, D.C., legal advocate reported: "Since a recent emergency order brought more federal agencies to patrol DC, we have observed a significant decrease in walk-in visitors to our clinics that primarily serve immigrant clients. There is a heightened fear among our clients, and we had at least one young immigrant detained despite having no history of criminal activity."¹⁹

All of this has also increased immigrant isolation, psychological stress, and financial strain, thereby increasing the risks for intimate partner violence. Heightened enforcement and threat of ICE raids reactivates "intergenerational trauma for families who have experienced displacement or detention in the past."²⁰ These stressors increase the risk for violence in the home, close off avenues of assistance, and make it all the more difficult for survivors to gain the resources they need to increase their safety.

Immigrant survivors are under greater financial strain than ever, as previously eligible lawfully present immigrants have been cut off from federal safety net benefits that are often critical for a survivor who is working to create some financial independence and reduce her vulnerability. One result of the One Big Beautiful Bill Act (H.R. 1) was that previously eligible immigrant victims of domestic violence and human trafficking, as well as refugees and asylees (many of whom have suffered gender-based violence), have been cut off from federal food stamps and healthcare access, leaving them with reduced access to lifesaving supports.²¹

Many survivors additionally fear the risks associated with the loss of a family member to deportation or the dangers of detention. This fear discourages survivors from seeking police intervention, particularly in mixed-status families where the deportation of an abusive partner may create financial instability or family separation. Together, these families face potentially permanent separation and multi-generational trauma and disruption, and the U.S. citizen children of undocumented parents risk foster care or the permanent loss of their parents' custody rights.²²

¹⁸ See Order Granting Application for Stay, *Noem v. Vasquez-Perdomo*, *supra* note 10 (staying an injunction barring immigration enforcement stops based on race, language, location, and employment, and thereby allowing these practices to continue during the course of litigation on this issue).

¹⁹ 20th Annual Domestic Violence Counts Report, *supra* note 12.

²⁰ One Big Beautiful Bill Act, Pub. L. No. 119-21, § 100051–55, 139 Stat. 71, 385–92 (2025).

²¹ Nadra Nittle, "This Is the First Time that I've Been Afraid that I Am a Latina": ICE Raids Set L.A. on Edge, THE 19TH (June 16, 2025), <https://19thnews.org/2025/06/ice-raids-los-angeles-mental-health/>.

²² One Big Beautiful Bill Act § 10108, 139 Stat. 2 (2025) (Alien SNAP eligibility); One Big Beautiful Bill Act, § 71109, 139 Stat. 77 (Alien Medicaid eligibility); One Big Beautiful Bill Act, § 71201, 139 Stat. 78 (Limiting Medicare coverage of certain individuals); One Big Beautiful Bill Act, § 71301, 139 Stat. 78 (Permitting premium tax credit only for certain individuals).

²³ Lucila Ramos-Sanchez & Jasmin D Llamas, *Immigration Policy and Latinx/e' Children from Mixed-Status Families: Mental Health Consequences and Recommendations for Mental Health Providers*, 11 CHILDREN 1357

IV. LEGAL PROTECTIONS ARE UNDERMINED: VAWA, U VISAS, AND T VISAS IN CRISIS

Over 30 years ago, Congress enshrined critical immigration protections in the Violence Against Women Act (VAWA) with bipartisan support.²³ In doing so, Congress recognized that abusive partners routinely use a person's lack of legal immigration status or their dependent immigration status to maintain power and control, threatening deportation to keep survivors of domestic violence, sexual assault, human trafficking, and other crimes silent. The VAWA self-petition process²⁴ grants certain abused family members of U.S. citizens or legal permanent residents, including abused spouses and children of U.S. citizens or lawful permanent residents, and abused parents of U.S. citizens, to apply for status independently. The immigrant survivor gains permission to petition to adjust their immigration status on their own, rather than needing to be sponsored by and reliant on an abusive spouse or family member, and this legal remedy provides "the ability to self-petition for immigrant classification without the abuser's knowledge, consent, or participation in the immigration process. This allows victims to seek both safety and independence from their abuser."²⁵

A bipartisan majority in Congress later established two additional remedies for immigrant survivors in the Victims of Trafficking and Violence Prevention Act of 2000 (TVPA): the T visa to assist victims of human trafficking,²⁶ and the U visa to assist noncitizen victims of certain qualifying crimes²⁷ (including domestic violence, sexual assault, and stalking) who are willing to assist in the investigation or prosecution of those crimes. These protections were deliberately designed to remove immigration-related barriers that prevent survivors from seeking help.²⁸ The goal of these protections was to "strengthen the ability of law enforcement agencies to detect, investigate, and prosecute" certain serious crimes "while offering protection to victims of such offenses and keeping with the humanitarian interests of the United States."²⁹ Congress recognized that pathways to legal status and protection from deportation were essential to

(2024) (finding that children of undocumented parents face persistent anxiety, stress, and hypervigilance due to fears of parental deportation).

²³ 34 U.S.C. §§ 12291–12514 (2022).

²⁴ INA § 204(a)(1) (8 U.S.C. § 1154(a)(1)) (noting the primary statute authorizing the filing of a self-petition by victims of battery or extreme cruelty); 8 CFR § 204.2(c), 8 CFR § 204.2(e) (2025) (defining eligibility, "good faith marriage," "battery or extreme cruelty," and "resided with" requirements.); *see also* U.S. CITIZENSHIP AND IMMIGR. SERV.'S POLICY MANUAL vol. 3, part D, VAWA Self-Petitioner (noting official guidance on eligibility; evidence, including "any credible evidence" standard; and adjudication processes).

²⁵ U.S. CITIZENSHIP AND IMMIGR. SERV.'S POLICY MANUAL vol. 3, part D, ch. 1, Purpose and Background, <https://www.uscis.gov/policy-manual/volume-3-part-d-chapter-1> (current as of May 12, 2026).

²⁶ 8 C.F.R. § 214.11, 8 C.F.R. § 274a.12.

²⁷ INA § 101(a)(15)(U); 8 C.F.R. § 214.14; *see also* *Victims of Criminal Activity: U Nonimmigrant Status*, U.S. CITIZENSHIP AND IMMIGR. SERV.'S, <https://www.uscis.gov/humanitarian/victims-of-criminal-activity-u-nonimmigrant-status> (last visited May 10, 2026).

²⁸ *See id.*

²⁹ *See* Victims of Trafficking and Violence Prevention Act, Pub. L. No. 106-386, §1513(a)(2)(A), 114 Stat. 1464. Congress found that "providing battered immigrant women and children . . . with protection against deportation . . . frees them to cooperate with law enforcement and prosecutors in criminal cases brought against their abusers."

escaping domestic violence and other crimes and, more broadly, to protecting children and communities.

These protections can only succeed if survivors feel safe coming forward. Recent policy shifts, however, are eroding access to these protections and fueling a climate of fear. Local law enforcement participation in federal immigration actions, the detention and deportation of victims of crime who have come forward, and enforcement actions at courthouses all work against the intent of these laws. These policies and practices do not just undermine survivor protections; they embolden abusive partners and put lives and communities at risk.

These safety remedies paradoxically now create new risks for survivors who are made more vulnerable to ICE enforcement. Contrary to the Congressional intent to make these protections available to survivors, a pending application for VAWA, U, or T status will not prevent ICE from detaining someone and placing them in adversarial removal proceedings. ICE has also detained survivors who reported for routine check-in appointments. Advocates report that U- and T visa petitioners are being detained during the application process and that the pending victim-based petition has no bearing on ICE's detention determination, in direct violation of prior clear policy aimed at protecting crime survivors and witnesses.

For example, Americans for Immigrant Justice (AI Justice) reports that a U visa applicant with a bona fide determination and a valid employment authorization document was detained by ICE along with his derivative son while they were traveling to work in the Florida Keys. Both were carrying their immigration documents at the time of detention. They were initially detained at Glades Detention Center and later transferred to Otay Mesa in San Diego, California.³⁰ AI Justice is representing multiple other clients with approved VAWA petitions or U visas based on serious abuse who were detained for months, some for no stated reason, one for lacking proof of vehicle registration, another for operating a scooter with an international driver's license, and others for driving without a license.

A young survivor of intimate partner violence, who had been in the United States since she was a toddler, was in an abusive marriage with a U.S. citizen and involved in a custody dispute over their three-year-old U.S. citizen child. She had an approved VAWA self-petition and a pending adjustment of status application when she was arrested by a local sheriff for driving without a license and detained by ICE at Broward Transitional Center. She was later released on an ankle monitor but spent approximately three months in detention under threat of deportation and separated from her child.³¹ As another example, a survivor of domestic violence with a pending VAWA self-petition and adjustment of status application was detained by ICE after appearing in court to resolve a driving-without-a-license matter. She spent months detained, suffered medical problems due to conditions in the detention center, was hospitalized for four days, and ultimately chose voluntary departure to Nicaragua because of the conditions she endured in detention, despite having a valid VAWA case due to substantial abuse by her U.S. citizen spouse.³² Detention of abuse survivors with pending VAWA, U visa, or T visa remedies is contrary to

³⁰ Client account on file with the Author.

³¹ Client account on file with the Author.

³² Client account on file with the Author.

Congressional intent, and these vehicular code violations resulting in prolonged detention are not the danger that this hearing seeks to address.

USCIS backlog compounds survivors' fears and delays relief. Average case processing times for VAWA Self-Petition cases are 48.5 months as of May 2026.³³ U visas take an average of 19 months until a bona fide determination made through which work authorization can be granted,³⁴ and due to the Congressional cap on U Nonimmigrant visas issued annually, the total wait is at least a decade. There are currently nearly 239,000 primary U visa petitioners and an additional 158,000 family members awaiting processing.³⁵ As of May 2026, the USCIS processing time for a T visa is 29.5 months,³⁶ with 5,000 principal visas available annually. Lack of access to these remedies prolongs immigrant survivors' vulnerability to arrest, detention, and deportation.

Frequent transfers of detained abuse survivors create further barriers to safety. A 19-year-old who experienced child abuse by his lawful permanent resident father was arrested for driving without a license and transferred to ICE custody. AI Justice filed a VAWA petition on his behalf based on child abuse. ICE transferred him away from his attorneys to California, and he has been detained for approximately five months.³⁷

LGBTQ trafficking and domestic violence survivors face revictimization while detained. A trafficking and sexual assault survivor with a pending U visa and potential eligibility for a T visa was arrested by police and transferred to ICE custody. He is a gay man and has suffered multiple violent and homophobic attacks from other detained individuals. AI Justice filed a T visa application and an asylum application based on the presence of his trafficker in his home country. He was later transferred away from his attorneys to California and has been detained by ICE for approximately eight months.³⁸

Overall, legal protections enacted during the past three decades are now less protective, and instead of invoking a sense of safety, the application process is fraught with anxiety, fear, and questions about whether to apply under the current circumstances. Congressional remedies intended to protect crime victims have become sites of fear and even deportation.

V. CLIENT EXAMPLES: THE HUMAN COST

My own clinic clients' experiences illustrate the difficulty of accessing federal immigration remedies and how non-violent immigrants lacking secure status are increasingly put in removal proceedings.

One client entered the United States on a visa and fell in love with a U.S. citizen. It was, by all appearances, a dream relationship: the couple dated and formed mutual friendships, purchased a home together, planned their wedding, and wanted to start a family. It was when she became

³³ *Case Processing Times*, U.S. CITIZENSHIP AND IMMIGR. SERV.'S, <https://egov.uscis.gov/processing-times>.

³⁴ *Id.*

³⁵ *Immigration Policy*, NATIONAL NETWORK TO END DOMESTIC VIOLENCE (2024), <https://nnedv.org/content/immigration-policy/>.

³⁶ *Case Processing Times*, *supra* note 33.

³⁷ Client account on file with Author.

³⁸ Client account on file with Author.

pregnant that he became increasingly and life-threateningly abusive, with his abuse including strangulation, beatings, and extreme control. She escaped to a domestic violence shelter and was linked with my law clinic. We soon learned she had been placed in immigration proceedings, and the immigration judge ordered what seemed impossible: she would be deported to Ecuador—a country she had never set foot in—if she could not prove successful adjudication of her just-filed VAWA Self-Petition within one month. But USCIS processing times are currently 48.5 months.³⁹ We managed to expedite her case and receive a prima facie determination in record time. We await the judge's decision. This survivor is married to a U.S. citizen, has a U.S. citizen child, experienced violence in her home country, and has no history of committing crimes involving moral turpitude. She is not the danger this Administration or this Judiciary Committee hearing purport to address.

A second client and her two children entered the United States with the children's father to flee violence from their home country. Once here, the father of the client's children committed life-threatening abuse when he stabbed her in the leg and broke her ribs. The family was put into removal proceedings. I represented her in having her and her children's removal case separated from the abusive partner's case and in having their cases dismissed while her U visa petition is pending. Yet every six months, under a new Executive Order, she must check in with a Deportation Officer. At the most recent appointment, the officer first insisted that she could not check in without the father of her children present, which would be extremely dangerous, and in any case impossible, as he has been deported. Although this should have been a routine appointment, we waited six hours in a standing-room-only office for the opportunity to lay out court filings and orders to convince the officer that she could leave the appointment and remain in the United States. My promise to her and to all my clients: we leave together.

VI. SANCTUARY POLICIES PROTECT ABUSE SURVIVORS AND PUBLIC SAFETY

Sanctuary policies are not obstacles to public safety. They instead help abuse survivors by allowing them to access community services, legal protection, medical care, and police help without the fear that a call for help will trigger immigration detention.

Law enforcement officers have voiced concerns about the chilling effect of involving local police with immigration enforcement.⁴⁰ Chris Magnus, a former commissioner of Customs and Border Patrol, has stated, "If undocumented people are afraid to engage with local police officers, they won't come forward as witnesses—even when they are victims. This means criminals who endanger all residents are less likely to be apprehended and successfully prosecuted."⁴¹ The U.S. Conference of Mayors CEO and the Major Cities Chiefs Associations took the position that it is essential for local law enforcement to build trust with immigrant communities, and that such jurisdictions "should not be punished because this is essential to reducing crime and helping victims. . . . [Cities] must continue to protect the safety of all

³⁹ *Id.*

⁴⁰ *Press Release: Law Enforcement Leaders Address 'Sanctuary' Policies*, NAT'L IMMIGR. F. (February 4, 2020), <https://immigrationforum.org/article/law-enforcement-leaders-address-sanctuary-policies/>.

⁴¹ Chris Magnus, *How Undocumented Immigrants Helped My Police Work*, WASH. POST (February 3, 2025), <https://www.washingtonpost.com/opinions/2025/02/03/immigrant-illegal-ice-trump-church-school-letters/>.

of our residents while ensuring that local law enforcement is focused on community policing.”⁴²

The January 2025 Executive Orders pressure states and localities to enter Section 287(g) agreements and to eradicate sanctuary policies.⁴³ Such agreements allow local law enforcement to act as federal immigration officers during normal police duties, for example, by stopping, interrogating, and arresting individuals suspected of violating immigration laws.⁴⁴ This entanglement between local policing and federal immigration enforcement is directly harmful to domestic violence survivors, who are already reluctant to call police. Section 287(g) agreements have proven to “exacerbate survivors’ and witnesses’ fears that calling or cooperating with the police may result in their removal, detention, and separation from their families”;⁴⁵ to result in increased racial profiling and civil rights violations;⁴⁶ and to be ineffective in reducing crime.⁴⁷ Although the Commonwealth of Virginia’s state-level Section 287(g) agreements were terminated in February 2026,⁴⁸ the ICE website lists approximately twenty-eight Virginia 287(g) programs.⁴⁹

Rather than presuming danger, extensive research instead proves that long-standing concerns about immigration as a major source of crime are unfounded.⁵⁰ In fact, communities with more

⁴² Sara Durr, *U.S. Mayors, Police Chiefs Concerned with Sanctuary Cities Executive Order*, THE U.S./ CONF. OF MAYORS, (Jan. 25, 2017), <https://www.usmayors.org/2017/01/25/u-s-mayors-police-chiefs-concerned-with-sanctuary-cities-executive-order/>.

⁴³ See Exec. Order No. 14128, 90 Fed. Reg. 10581 (Feb. 19, 2025); Exec. Order No. 14159, 90 Fed. Reg. 8443 (Jan. 20, 2025); see also *Summary of Executive Orders and Other Actions on Migration*, CTR. FOR MIGRATION STUD. (Feb. 13, 2025), <https://cmsny.org/publications/essential-but-ignored-low-earning-immigrant-healthcare-workers-and-their-role-in-the-health-of-new-york-city/>.

⁴⁴ Veronica Egui Brito & Syra Ortiz Blanes, *Hialeah, city of immigrants, unanimously approves agreement to enforce immigration laws*, MIAMI HERALD (March 12, 2025), <https://www.miamiherald.com/news/local/immigration/article301888984.html>.

⁴⁵ *Statement of the Alliance for Immigrant Survivors House Committee on Oversight and Government Reform*, “A Hearing with Sanctuary City Governors,” ALL. FOR IMMIGR. SURVIVORS (June 12, 2025).

⁴⁶ Joel A. Capellan & Evan T. Sorg, *Do Local-Federal Immigration Enforcement Agreements Reduce Crime? A Nationwide Evaluation of the Crime Reduction Benefits of Section 287(g) of the United States Immigration and Nationality Act*, NAT’L CRIM. JUST. REFERENCE SERV. (Nov. 2022), <https://www.ojp.gov/pdffiles1/nij/grants/305488.pdf>.

⁴⁷ *Id.*

⁴⁸ COMMONWEALTH OF VIRGINIA EXECUTIVE DEPARTMENT, EXECUTIVE DIRECTIVE 1, DIRECTING THE COMMONWEALTH’S LAW ENFORCEMENT AGENCIES TO TERMINATE ANY AND ALL SECTION 287(G) AGREEMENTS (2026).

⁴⁹ Participating Agencies, U.S. IMMIGR. AND CUSTOMS ENF’T, <https://www.ice.gov/doclib/about/offices/ero/287g/participatingAgencies05112026am.xlsx>.

⁵⁰ See *Illegal Immigrant Incarceration Rates, 2010–2024*, CATO INST. (2026), https://www.cato.org/sites/cato.org/files/2025-08/PA%201003_update.pdf (“Because they commit fewer violent crimes, immigrants lower the violent-victimization rate in the United States.”); see also Alex Nowrasteh & Michelangelo Landgrave, *Illegal Immigrant Incarceration Rates, 2010–2024: The Demographics of American Imprisonment*, CATO INST. (Mar. 24, 2026), <https://www.cato.org/briefing-paper/illegal-immigrant-incarceration-rates-2010-2024-demographics-american-imprisonment> (noting that research from across the country has consistently shown that “crime rates either do not increase to a statistically significant extent when states create sanctuary jurisdictions that limit the scope of immigration enforcement, or that the rates for some crimes actually fall, which we would not expect to occur if illegal immigrants were more crime-prone than the rest of the population”); see also David K. Hausman, *Sanctuary Policies Reduce Deportations Without Increasing Crime*, PROC. NAT’L ACAD. SCI. (Oct. 19, 2020), <https://doi.org/10.1073/pnas.2014673117>; Charis E. Kubrin & Bradley J. Bartos, *Sanctuary Status and Crime in California: What’s the Connection?*, 3 JUSTICE EVALUATION

immigration tend to have less crime, especially violent crimes like homicide.⁵¹ Researchers have also found that immigrants are less involved in crime as both offenders and victims compared to the native-born, including the children of immigrants.⁵²

Research definitively supports the value of sanctuary policies. Criminology Professor Charis Kubrin at UC Irvine studied the California Values Act (SB 54) and found that it did not cause an increase in crime. She compared California's violent and property crime rates with an approximation of the state's rates had the law not been enacted, and found no significant difference. As Professor Kubrin stated: "The attacks on sanctuary policies assume that immigrants commit crimes at higher rates than the native-born population. Many studies have found the opposite is true. All of the policies take as a cornerstone these fundamental assumptions, and the problem is—and I've been studying this for 20 years so I can say this pretty definitively—those assumptions are flawed."⁵³ California's SB 54, the California Values Act, prevents police from arresting an individual solely because they have a deportation order and prevents jurisdictions from jailing an inmate for longer than sentenced for immigration agents to pick them up, but does allow local law enforcement to notify immigration agents of someone's impending release and to transfer them to immigration custody if the person has certain convictions. Qualifying convictions include felonies that resulted in state prison time, most other felonies within the last fifteen years, and higher-level misdemeanors within the last five years.⁵⁴

As co-chair of my county's Domestic Violence Death Review Team, I can also attest to what tragedies in my county and across the country consistently show: when examining the domestic histories of most people who commit mass violence and community killings, there is a history of domestic violence. Research shows that preventing abuse prevents intimate fatalities and broader community violence. Sanctuary policies that enable abuse survivors to seek police help, court protection, and community services are protective, and protect entire communities.

VII. RECOMMENDATIONS

JOURNAL, 115 (2020); Daniel E. Martínez et al., *Providing Sanctuary or Fostering Crime? A Review of the Research on 'Sanctuary Cities' and Crime*, 12 SOCIOLOGY COMPASS 1 (2017); Ricardo D. Martínez-Schuldt & Daniel E. Martínez, *Sanctuary Policies and City-Level Incidents of Violence, 1990 to 2010*, 36 JUSTICE QUARTERLY 567 (2017); R. D. Martínez-Schuldt et al., *Immigrant Sanctuary Policies and Crime-Reporting Behavior: A Multilevel Analysis of Reports of Crime Victimization to Law Enforcement, 1980 to 2004*, 86 AMERICAN SOCIOLOGICAL REVIEW (2021); LOREN COLLINGWOOD & BENJAMIN GONZALEZ O'BRIEN, *SANCTUARY CITIES: THE POLITICS OF REFUGE* 118-52 (Oxford University Press, 2019).

⁵¹ CHARIS KUBRIN & GRAHAM OUSEY, *IMMIGRATION AND CRIME: TAKING STOCK* (Springer Cham, 2023); Michael T. Light, Jingying He & Jason P. Robey, *Comparing Crime Rates Between Undocumented Immigrants, Legal Immigrants, and Native-Born US Citizens in Texas*, 117 PROC. NAT'L ACAD. SCI. (2020); Hannah Boyke & Yared Avalos Iniguez, *Immigrants Do Not Commit More Crimes in the US, Despite Fearmongering*, AM. IMM. COUNCIL (Oct. 17, 2024), <https://www.americanimmigrationcouncil.org/blog/immigrants-do-not-commit-more-crimes-in-the-us-despite-fearmongering/>.

⁵² KUBRIN & OUSEY, *supra* note 51.

⁵³ Andrea Castillo, *A Sanctuary Law Aimed to "Trump-Proof" California on Immigration. What Has It Accomplished?*, LOS ANGELES TIMES (Mar. 3, 2025), <https://www.latimes.com/politics/story/2025-03-03/california-has-been-a-sanctuary-state-for-seven-years-what-has-the-law-accomplished>.

⁵⁴ *Id.*

To seriously address victims' needs and safety, there is much that can and should occur. Based on the evidence presented, I respectfully urge Congress to take the following steps:

- 1) Prohibit funding from being used in support of any enforcement action at or near, **sensitive locations** including courthouses, domestic violence shelters, and medical facilities.
- 2) DHS must **reinstate the victim-centered approach**. Funding overbroad, unchecked enforcement actions has resulted in survivors and witnesses of crime being deported before they can pursue immigration relief for which they may be eligible. Congress should prohibit funding for enforcement actions against individuals with approved or pending survivor-based claims.
- 3) **Restore and Strengthen Protections for VAWA, U Visa, and T Visa Petitioners.** Congress must ensure that pending VAWA Self-Petitions and U and T visa petitions function as true protections from deportation, consistent with original Congressional intent. ICE must be barred from removing survivors with pending applications and from detaining pending applicants unless, after a hearing at which the noncitizen has the right to counsel, the government has established that the noncitizen is a danger by clear and convincing evidence.
- 4) **Address Processing Backlogs.** Congress must fund adequate USCIS staffing and increase the annual cap on U and T visas to ensure survivors can access protection in a timely manner.
- 5) **Reject Section 287(g) agreements.** Leave immigration enforcement to the federal government and allow state and local police to focus on what their communities need to feel safe. This means limiting collaboration to only when it is required by law. The entanglement of local police with federal immigration enforcement has a documented chilling effect on survivors' willingness to report abuse. Communities must be able to trust local law enforcement without fear that a call for help will trigger deportation.
- 6) Protect and preserve the ability of states and localities to maintain **sanctuary policies**, and oppose Executive Orders that withhold federal funding to coerce their elimination.
- 7) **Restore Access to Critical Safety Nets for Survivors.** H.R. 1 eliminated critical safety net benefits like SNAP, the Child Health Insurance Program, and Medicare for lawfully present individuals including immigrant survivors of domestic violence and human trafficking as well as refugees and asylees. Congress must act to restore these critical protections as they are key to helping end cycles of violence.
- 8) **Stop Funding to Harmful Rules.** Over the last year, DHS has proposed harmful rules, from transforming public charge considerations and the issuance of work permits to significant expansion of biometrics among others. Congress should ensure no funding supports the implementation of these harmful rules.
- 9) **Ensure Safe Access to Community Resources, Healthcare, and Courts.** Immigrants – including those with pending legal status – must be able to safely access hospitals, domestic

violence shelters, community organizations, and courthouses. ICE enforcement operations at or near these locations must be prohibited.

- 10) Finally, Congress must ensure that critically needed **funding for the programs and organizations that serve and support crime victims** is delivered. Federal grants fund critical services and can save the lives of abuse victims; however, \$200 million is sitting unspent. Changes made by the White House are preventing the distribution of funds meant to help survivors of domestic violence, sexual assault, stalking and trafficking, including 2026 grants that have not been delivered. Note that the National Network to End Domestic Violence's most recent DV Counts Survey found that, on just one day in 2025, programs in Virginia were unable to meet 121 requests for help because they lacked sufficient resources, funding, and/or staffing. Approximately 29% of these unmet requests were for emergency shelter, hotels, motels, transitional housing, and other housing.

CONCLUSION

Everyone deserves to live in safe and peaceful communities. Like all crime victims, immigrant survivors deserve safety, dignity and justice on their terms. Focusing on immigration enforcement as the solution to crime and violence against women is a harmful distraction that, instead of making communities safer, drives vulnerable survivors deeper into the shadows while their perpetrators harm with impunity.

The immigrant survivors I represent are mothers, partners, and children who seek safety and a better life, and who are instead trapped between the violence of an abusive partner and the threat of deportation. The laws Congress wisely enacted through VAWA and related statutes recognized that immigrant survivors needed special protections. Those protections are now being systematically dismantled.

Sanctuary policies, safe access to law enforcement, community resources, and legal protections are not political abstractions. They are the difference between life and death for my clients. I urge this Committee to act with urgency to restore and strengthen these vital safeguards.

Respectfully submitted,

Professor Jane Stoeber
University of California, Irvine School of Law
Director, UCI Law Domestic Violence Clinic
Director, UCI Initiative to End Family Violence
Co-Chair, Orange County Domestic Violence Death Review Team

Mr. McCLINTOCK. Thank you. We will next hear from Mr. Bier.

STATEMENT OF DAVID J. BIER

Mr. BIER. Chair McClintock, Ranking Member Jayapal, and the distinguished Members of the Subcommittee, thank you for the opportunity to testify.

For half a century, the Cato Institute's research has shown that people, whatever their ancestry, background, or birthplace, can thrive in a free society. Our research finds that immigrants, legal and illegal, work at higher rates, generate more income and taxes, and have reduced the national debt by \$14.5 trillion over the last 30 years. Immigrants improve public safety by reducing violent crime rates, meaning that you are less likely to become a victim.

Fairfax highlights this reality. About half the county's residents are immigrants or children of immigrants. Its household income is double the national average. Its murder rate is less than half the average. If illegal aliens in Fairfax were their own city, they'd have a lower homicide rate than 90 percent of America's largest cities and lower than the country's homicide rate overall. Nationwide, illegal immigrants are half as likely to commit serious crimes for which they're serving time as U.S.-born Americans.

Despite all this, Congress refuses to allow most would-be immigrants to come legally, which leads to illegal immigration. Just three percent of all the people seeking permanent legal status in the United States were approved in 2024. That was before the current administration banned a majority of the legal immigrants previously allowed to come, including half of all the spouses of U.S. citizens. It has cut legal immigration twice as much as it has cut illegal immigration. At the same time, it terminated legal status for over two million immigrants who were already here, creating four times as many illegal immigrants as it has deported.

America's cities must manage the fallout from this sabotaged system. Many have decided not to volunteer their cops, jails, and resources to DHS. DHS doesn't like that. Under our Constitution, cities and States don't take orders from the feds, and thank James Madison for that. Because we all know we wouldn't want the feds to dictate environmental policy, gun policy, or COVID policy to the states. If you want Fairfax to change its policies, you've got to convince them.

The first step would be to give up on the mass deportation fantasy. About one in five Fairfax residents is someone who could be deported or who lives with them. It would destroy neighborhoods, rip Americans away from their spouses, parents, friends, families, customers, employees, employers, nurses, nannies, and teachers.

Let me be clear: Noncitizens who harm Americans should be arrested, convicted, and deported. I think cities can help with that, but deportation is DHS's job. Indeed, you all passed the Laken Riley Act in 2025 to require DHS to immediately take custody of people charged with violence or a theft.

DHS is ignoring that law. It has deprioritized threats to focus on easy targets. They aren't tracking down the serious criminal fugitives like the monster who killed Stephanie Minter. Instead, DHS agents are racially profiling Americans at Home Depots, arresting spouses of U.S. citizens at green card interviews, beating parents

of U.S. Marines, and dragging legal immigrants and U.S. citizens from their homes without warrants.

Only six percent of ICE arrests have a violent criminal conviction. ICE has arrested 150,000 people who have no criminal convictions or even charges, and we know it's not because they got everyone with a serious record. Stephanie's case and many others prove that.

It's because they care about, as one ICE agent put it, "quantity over quality." How many Stephanies will get murdered before DHS follows the law and prioritizes serious criminals? How many?

Most Americans don't want to wait for the answer. They want to pause the mass deportation fantasy and focus on public safety. That's the only policy that will defend our safety, our prosperity, and our freedom.

Thank you.

[The prepared statement of Mr. Bier follows:]



**Testimony of
David J. Bier
The Selz Foundation Chair in Immigration Policy
at the Cato Institute
Before
the Committee on
the Judiciary
Subcommittee on Immigration Integrity, Security, and Enforcement
United States House of Representatives**

May 14, 2026

Re: "Fairfax County, Virginia: The Dangerous Consequences of Sanctuary Policies"

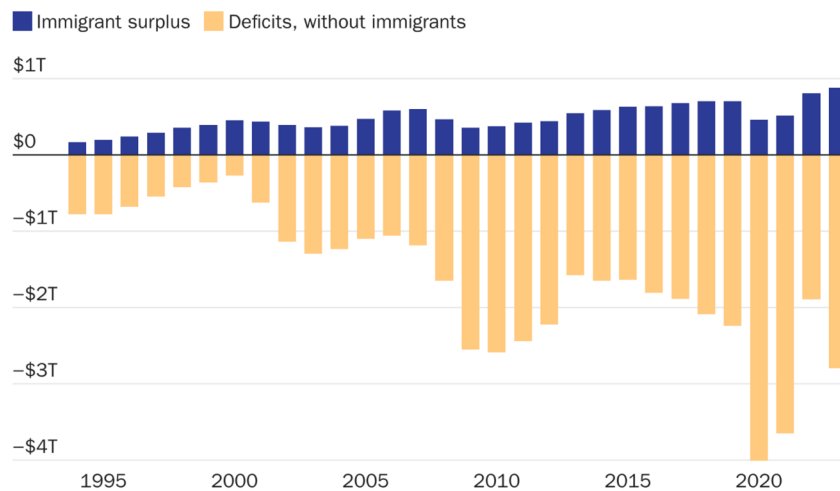
Chairman McClintock, Ranking Member Jayapal, and distinguished members of the subcommittee, thank you for the opportunity to testify.¹

I occupy The Selz Foundation Chair in Immigration Policy at the Cato Institute, a nonpartisan public policy research organization in Washington, D.C. I previously served as senior policy advisor for a member of this Committee, and I appreciate the opportunity to testify again about the positive effects of immigration on American cities. For nearly half a century, the Cato Institute has produced original research showing that people—whatever their ancestry, background, or birthplace—can benefit the United States when the Constitution’s principles of individual liberty and limited government are followed.

Immigrants come for freedom—freedom to work for us and with us, to improve our lives, and they will play critical roles in America’s economic vitality in the future.² They work at higher rates and are nearly twice as likely to start businesses.³ Cato’s research has shown that immigrants have reduced federal, state, and local government budget deficits by a combined \$14.5 trillion, including \$1.7 trillion from illegal immigrants, over the last 30 years.⁴

Immigrants’ fiscal surplus has grown even as deficits have exploded

Net fiscal impact, immigrants and US population without immigrants, 2024 dollars, 1994–2023



Source: Calculations are based primarily on the Annual Social and Economic Supplements of the US Census Bureau’s Current Population Survey for March 1994–2023. See Appendix for full details.

Note: Includes interest savings from reduced debt in prior years.



The great success of Fairfax, Virginia highlights the value of immigration to the country. One third of the population is foreign-born, and nearly one-half of the residents are from immigrant families—double the national averages.⁵ Over 100,000 Fairfax residents are illegal immigrants, and nearly 20 percent of the county is here illegally or lives in a household of someone here

illegally.⁶ Fairfax is one of the most prosperous, safest counties in the entire country. Its median household income is double the national average,⁷ and it has the second lowest homicide rate of any jurisdiction with more than 500,000 individuals.⁸ Rather than destroying the community, immigrants have proven essential to Fairfax's success.

Cities are forced to deal with the fallout of Congress's flawed immigration system.

As I've explained to this Committee before, however, Congress has failed to update the legal immigration system in any meaningful way since 1990.⁹ As a result, only about 3 percent of those seeking lawful permanent resident status in the United States received green cards in 2024.¹⁰ For people who are not close relatives of US citizens, the percentage is less than one percent.

Unfortunately, rather than fix this system, the current administration has undermined it, banning a majority of the few legal immigrants from abroad who were previously permitted to immigrate. That includes nearly all legally admitted refugees—except for South African Afrikaners—and about half of all immigrant visa applicants, including half of all spouses and minor children of US citizens.¹¹ Legal entries have fallen twice as much as illegal entries.¹² It has also cut green card processing in half, setting up applicants for ICE arrests.¹³

Congress's continual refusal to correct its past mistakes and legalize immigration has forced states and local governments to deal with the fallout of illegal immigration. America's cities benefit from the economic contributions of these immigrants, who are integrated into their communities as family members, friends, parishioners, workers, and employers. In some areas of the United States, as many as one in five people lives in a household with an illegal immigrant.¹⁴ As a result, Congress and the president have forced these communities to choose between aiding federal law enforcement and tearing apart their cities.

Noncitizens who threaten the lives and liberty of Americans should be prosecuted, convicted, imprisoned, and deported—whether they came in legally or not—and states may have a role to play in that effort. However, the federal government's focus on indiscriminate enforcement undermines trust and cooperation with municipalities. A better approach would require Immigration and Customs Enforcement (ICE) to concentrate its efforts on serious offenders so that localities could be confident about ICE's intentions when working with local officers.

Cities have good reasons to limit participation in immigration enforcement.

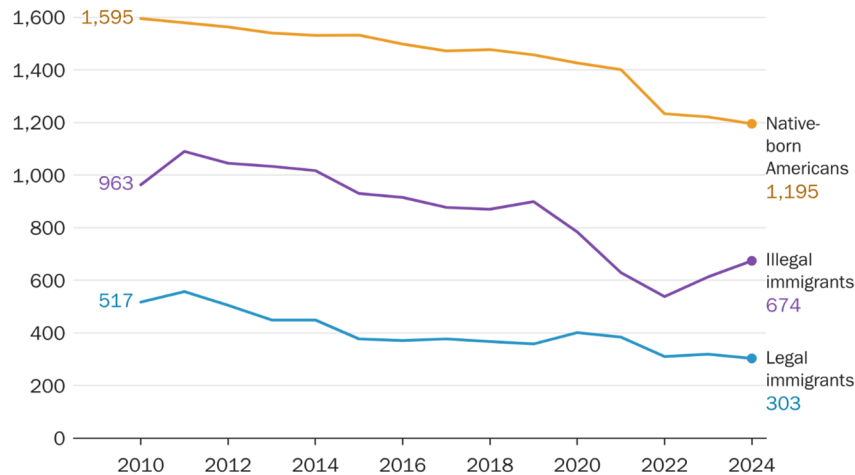
- *Illegal immigrants provide goods and services that improve the lives of Americans.* Mass deportation would cut US production by about 7 percent of Gross Domestic Product.¹⁵ Illegal immigrants look after Americans' children, provide their health care, and care for them when they become elderly and disabled. Immigrants build and clean Americans' homes, harvest their fruits and vegetables, and process their meat and seafood. Mass deportation would crash local economies, creating a death spiral of lost consumers, closed businesses, and declining tax revenue.
- *Many Americans' jobs directly depend on illegal immigrant workers.* For instance, there are 33 million US-born Americans who are managers or supervisors for over 8 million unauthorized immigrant workers.¹⁶
- *Illegal immigrants are providers for US citizen family members.* There are over one million undocumented spouses of US citizens, and nearly 17 million US citizens share a

household with an unauthorized immigrant.¹⁷ Mass deportation would impoverish many of these families, cutting household income at least in half.¹⁸

- *Illegal immigrants supported state and local governments* with more than \$37 billion in state and local tax revenue in 2022.¹⁹
- *Illegal immigrants reduce crime rates by committing fewer crimes.* More than a dozen studies have found that immigration, including illegal immigration, is associated with less crime.²⁰ Illegal immigrants were half as likely to have committed an offense serious enough for them to be incarcerated in the United States in 2023.²¹ In recent years, there has been a negative correlation between murders and immigration court filings in major US cities.²²

Immigrants, regardless of legal status, are less likely to be incarcerated

Subgroup incarceration rate per 100,000 residents, ages 18–54



Source: American Community Survey, 2024; Michelangelo Landgrave and Alex Nowrasteh, "Illegal Immigrant Incarceration Rates, 2010–2024," Cato Institute, 2026 (forthcoming).



Fewer than half a million immigrants with criminal convictions of any kind were on ICE's deportation docket in 2024—which is less than 3 percent of the roughly 14 million illegal immigrants.²³ Like parking violations, illegal presence in the United States is a civil offense, not a crime. Although ICE's docket does not include every illegal immigrant convicted of anything, it consists of the vast majority. Regardless, 3 percent is a low share compared to the broader population. Roughly 30 percent of Americans have been arrested,²⁴ and about 8 percent have felony convictions.²⁵

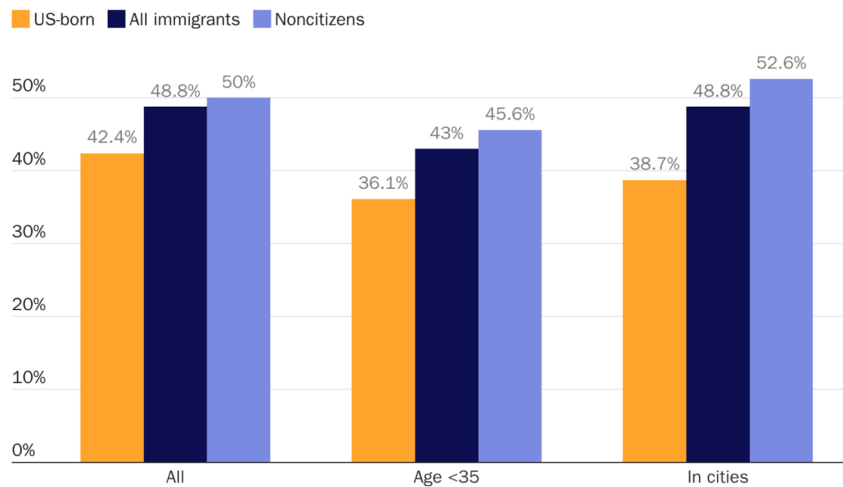
- *Illegal immigrants in sanctuary cities can directly stop crimes.* An unauthorized immigrant working as a convenience store nightwatchman stopped a burglary in Texas.²⁶ Another in New Mexico chased down a child abductor, safely returning a 6-year-old girl

to her parents.²⁷ Two Venezuelan asylum seekers in New York City (Oswaldo Robles Lino and Josnan Alberto Palacios) stopped a stabbing in 2024.²⁸

- *Illegal immigrants help solve crimes.* From 2017 to 2023, noncitizens—including illegal immigrants—reported 2.5 million crimes to police, reporting violent crimes at higher rates than US-born Americans.²⁹ Over the last decade, about 100,000 unauthorized immigrants have obtained legal status through their collaboration with law enforcement,³⁰ and local agencies have about 415,881 requests pending for unauthorized immigrants to receive legal status based on their cooperation with them right now.³¹ Hispanics were somewhat more likely to report crimes in sanctuary cities from 1980 to 2004.³²

Before Trump, crimes against immigrants were more likely to be reported

Share of violent crimes reported to the police by citizenship status, 2017–2023



Source: National Crime Victimization Survey (NCVS), Bureau of Justice Statistics.

Note: Differences with the US-born are statistically significant at the 95 percent confidence level.



- *Cities have more important law enforcement priorities.* In the United States, more than 40 percent of murders, about 60 percent of violent crimes, and 85 percent of property crimes go unsolved.³³ Mandating that police divert resources away from these offenses to enforce immigration status violations would make cities less safe. It prioritizes jail space for non-threatening individuals over addressing actual threats to the community. In Los Angeles, for instance, it costs over \$400 per day to hold someone in jail.³⁴

Illegal immigrants could contribute more to their cities and the country if they had a permanent legal status and employment authorization. States and cities should never participate in immigration enforcement efforts targeting peaceful individuals.

The Constitution protects state autonomy.

States have the independent authority to decide how their law enforcement agencies interact with federal immigration enforcement. Although regulating immigration falls solely under federal jurisdiction, and federal law is supreme, states may still determine how to allocate their resources and whether to assist in enforcing federal law.

Under the Constitution’s federalist system, state governments are not creations of the federal government. Under the 10th Amendment, states retain all powers not delegated to the federal government. This system of “dual sovereignty” keeps the states directly accountable to their citizens for any actions that they take. State officials cannot claim that the federal government forced them to take any particular action.

As the Supreme Court stated in *Printz v. United States* (1997), “The power of the Federal Government would be augmented immeasurably if it were able to impress into its service—and at no cost to itself—the police officers of the 50 States.”³⁵ The opinion written by Antonin Scalia stated, “the Federal Government may neither issue directives requiring the States to address particular problems, nor command the States’ officers.... such commands are fundamentally incompatible with our constitutional system of dual sovereignty.” This decision involved an effort to commandeer local officials into conducting gun control checks. In *New York v. United States* (1992), the same principle was affirmed in a case involving environmental regulation.³⁶

The Supreme Court has extended this principle to include the use of federal monetary grants to coerce cooperation. *NFIB v. Sebelius* (2012) stated: “Congress may use its spending power to create incentives for States to act in accordance with federal policies. But when ‘pressure turns into compulsion,’ the legislation runs contrary to our system of federalism.”³⁷ This case involved Obamacare Medicaid eligibility rules. In *Murphy v. National Collegiate Athletic Association* (2018), the Supreme Court clearly stated that: “Congress cannot issue direct orders to state legislatures.”³⁸

Moreover, several courts have found that it is unconstitutional for states to detain individuals solely at the request of ICE.³⁹ More than a dozen settlements have involved subjects of immigration detainers who were detained by localities.⁴⁰ This includes a man unlawfully detained in Virginia.⁴¹ This means that states and localities *cannot* lawfully arrest and detain someone merely on the basis of an immigration detainer request from the federal government without a court order supported by probable cause unless they are deputized by ICE. Many states and cities are labeled “sanctuaries” simply for following these court decisions. Fairfax County, Virginia must comply with those orders.

During its first term, the Trump administration attempted to impose new immigration reporting requirements for certain law enforcement grants. However, four of the five appeals courts that considered the issue found that those requirements were adopted unlawfully and unconstitutionally.⁴² As the Seventh Circuit Court of Appeals wrote in 2020, “states do not forfeit all autonomy over their own police power merely by accepting federal grants.”⁴³ The administration has lost similar cases in this term.⁴⁴ If Congress wants sanctuary cities to change their policies, it needs to convince them to do so voluntarily, not through force or coercion. If Congress can force its will on the states on immigration matters, it can do so with respect to guns, environmental rules, and health care.

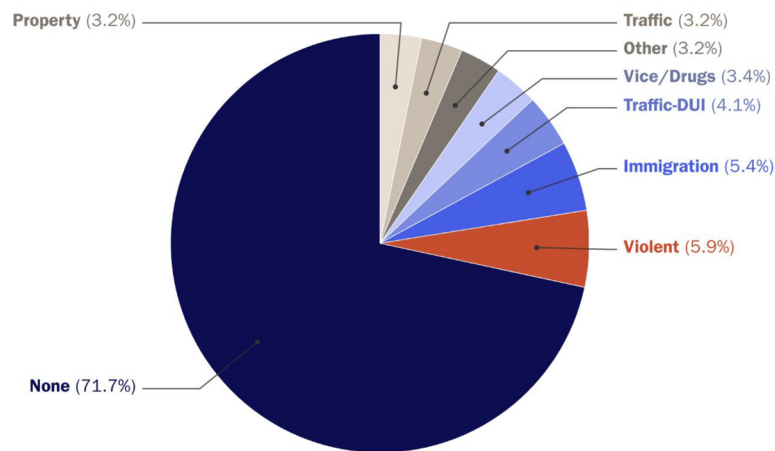
The administration fosters mistrust between federal and local law enforcement.

Notwithstanding these facts, the administration is attempting to bully state and local governments into compliance with its agenda.

- *The administration is attempting to coerce state governments unconstitutionally.* The president has issued an executive order that attempts to block all federal grants to municipalities that do not allocate their resources to help ICE.⁴⁵ His administration has sued Illinois and Chicago for refusing to help ICE, asserting that the president can mandate that they do what he wants,⁴⁶ but the case was dismissed.⁴⁷ The Department of Justice (DOJ) has also issued a memorandum requiring criminal investigations into state and local officials who fail to participate in federal enforcement.⁴⁸
- *The administration is attempting mass deportation of peaceful immigrants.* President Trump signed an executive order removing requirements that ICE target public safety threats, and instead mandating that ICE and DOJ focus on immigration status violations.⁴⁹ In 2026, only 6 percent of people booked into detention had a violent criminal conviction, and 72 percent had no conviction.⁵⁰ Just as significantly, the Department of Homeland Security (DHS) itself classified just 10 percent of detainees as the highest threat level, and 72 percent of detainees were not deemed a threat at all.⁵¹

Only 6% of people booked into ICE detention ever had a violent conviction

ICE book-ins into custody, by most serious conviction, 2026



Source: Immigration and Customs Enforcement via Deportation Data Project

Note: Convictions include convictions at any time, not just during the period listed.

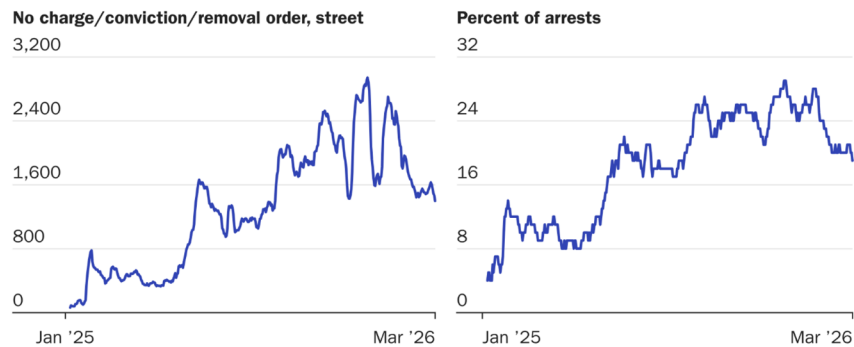


- *The administration is engaging in racial and demographic profiling of US citizens.* DHS agents detain, interrogate, and demand proof of residence from people on the street based on demographic profiling without evidence of a violation of the law. When this

unconstitutional harassment was temporarily enjoined in Los Angeles, arrests fell by two thirds immediately after a court found it was illegal.⁵² DHS appears not to track its use of profiling. But to give a sense of the prevalence of indiscriminate targeting of people on the streets, consider that in recent months, more than one in four arrests were of immigrants on the streets—that is, outside of any facility, prison, jail, court, DHS office, etc.—who had no criminal conviction or charges and no final removal order. In other words, there was no reason for them to be approached by government agents on patrol. This policy ensnares many US citizens and legal residents. Fox News reported that ICE agents interrogated about ten people for every one person they arrested in Florida.⁵³

ICE relies heavily on indiscriminate arrests of immigrants on the streets

ICE street arrests, rolling weekly totals, no charge/conviction or removal order



Source: Immigration and Customs Enforcement via Deportation Data Project FOIA request.

Notes: Street arrests are defined as any arrest not in state or local custody, a jail, prison, police department, office, court, detention center, or other facility



- *The administration is targeting lawful immigrants for deportation.* DHS is ending parole and Temporary Protected Status for over two million immigrants who had legal status at the start of this administration.⁵⁴ ICE is arresting people with valid parole status and subjecting them to detention and expedited removal,⁵⁵ and before a court stopped the practice, ICE arrested legal immigrants with refugee status for not receiving green cards within one year of arrival, while it simultaneously stopped processing their green cards.⁵⁶
- *The administration is attempting to arrest and deport US citizens.* The president signed an executive order that purports to strip US citizenship from, and render deportable, all children born to temporary legal residents and people without permanent legal status, despite the constitutional guarantee of birthright citizenship.⁵⁷
- *The administration's crackdown on sanctuary cities is not targeting criminals.* In each case where DHS has conducted an enforcement surge operation in a sanctuary city, nearly all the increase in arrests came from individuals without criminal convictions. From the week prior to the peak week, 91 percent of the increase in ICE arrests came from non-convicts in Los Angeles; 95 percent in D.C.; 92 percent in Boston; 86 percent in Chicago; and 83 percent in Minneapolis.

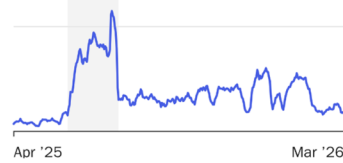
Nearly all the increase in arrests during DHS sanctuary city surge operations are not criminals

ICE arrests, rolling weekly totals, April 1, 2025 to March 10, 2026

LA convictions



LA no convictions



Boston convictions



Boston no convictions



DC convictions



DC no convictions



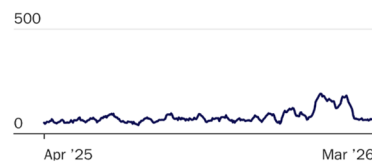
Chicago convictions



Chicago no convictions



MN convictions



MN no convictions



Source: Immigration and Customs Enforcement via Deportation Data Project FOIA request.

- *The administration refuses to coordinate with state and local police in cities.* DHS does not notify local law enforcement of their operations to deconflict prior to making arrests.⁵⁸ DHS officers have tear gassed local police,⁵⁹ and they have even erroneously detained off-duty officers in Minnesota.⁶⁰ They have detained state and local court employees outside of courthouses.⁶¹ In barely one month, DHS's activities led to over eighty 911 calls to Minneapolis police, including calls about kidnappings and assaults by unidentified people in masks.⁶² Minneapolis had to assign a supervisor and a deputy to full-time monitoring of the public safety situations surrounding DHS operations.⁶³

Almost every day during DHS's operation, Minneapolis has had to deploy officers to the scene of DHS-related incidents, including shootings and other confrontations.⁶⁴ ICE is abandoning numerous vehicles in the streets, including one vehicle that it failed to place in park, which rolled into the road and required police intervention. Minneapolis police had to pay for more than 3,000 hours of overtime related to ICE-induced situations, costing them more than \$2 million in just three days in January. During this time, the city says officers were "not responding to 911 calls, investigating reports of crimes, or fulfilling other law enforcement obligations."⁶⁵

- *The administration blames cities for its own failures:* DHS has said that it must make arrests on the streets because jails in Minneapolis and other sanctuary cities do not cooperate. DHS has failed to issue detainers for nearly 30 percent of the noncitizen inmates in Minnesota prisons, despite the prisons informing DHS of their presence and their willingness to coordinate transfers.⁶⁶ In one revealing instance, DHS erroneously arrested a US citizen on January 19 and claimed it was looking for another man who was already in prison.⁶⁷ DHS has repeatedly claimed that the few criminal immigrants it has arrested in Minnesota were taken "off the streets" when, in fact, they were transferred directly from Minnesota prisons.⁶⁸ When ICE did arrest immigrant criminals outside of a jail or prison in Minnesota, it usually had nothing to do with a sanctuary policy.⁶⁹ In one case, for example, DHS claimed that a target was released by Minnesota officials when, in fact, he had been released by DHS officials under the first Trump administration and had no connection to cooperation with DHS's current operation.⁷⁰
- *The administration is entering homes of US citizens without judicial warrants.* DHS implemented a non-public policy of entering residences to make civil immigration arrests of people with administrative orders of removal. According to DHS Secretary Noem, DHS has already used this policy at least 28 times to enter homes.⁷¹ One such raid resulted in the illegal arrest of a US citizen in Minnesota, who was dragged from his home in nothing but shorts in freezing weather.⁷² This policy violates the Constitution, threatens Americans' freedom, and creates unsafe, dangerous situations for DHS agents.
- *The administration does not follow its own use of force protocols:* The DHS agents who shot Renee Good three times violated standard police practices and DHS protocol by attempting to conduct an arrest without verifying that the vehicle was turned off, trying to stop a moving vehicle with their hands, walking in front of a moving vehicle, shooting at a moving vehicle, shooting at the driver of a moving vehicle, shooting despite no threat of death or serious bodily injury, and shooting despite the availability of a "safe alternative."⁷³ The DHS agents who killed Alex Pretti threw a bystander to the ground

who was not impeding their operations and then used deadly force despite the absence of an imminent threat of death or serious bodily injury and the availability of other options. Despite these facts, DHS has asserted that both shootings were justified and according to officer training.⁷⁴ DHS also shot a man who, according to an FBI affidavit, was 10 feet away and running away from the agent.⁷⁵ Similar shootings, like that of Marimar Martinez in Chicago, occurred in other sanctuary cities.⁷⁶

- *The administration is arresting victims and witnesses of crimes.* In one of its first actions, this administration rescinded policies that instructed officers to look for indications that an immigrant was a victim before arresting them, and it announced, “Current beneficiaries of victim-based immigration benefits may be subject to civil immigration enforcement.”⁷⁷ In the months since, we have seen repeated cases of DHS arresting victims and witnesses of crimes.
 - o In Iowa, ICE arrested Felipe Hernandez after he reported being shot during an attempted robbery before he had even healed.⁷⁸ Local police arrested him for a bench warrant based on an overdue traffic ticket and turned him over to ICE pursuant to state law.
 - o In Michigan, ICE arrested Veronica Ramirez Verduzco after she reported an assault.⁷⁹
 - o In Kansas, ICE arrested U visa applicant, Jose Madrid-Leiva, despite having worked with police on a robbery case.⁸⁰
 - o In California, the Immigration Center for Women and Children filed a lawsuit on behalf of eight crime-victim U visa applicants who were arrested in 2025.⁸¹ In a typical case, ICE had arrested a domestic violence survivor named Lupe who had lived in the United States for three decades and who had helped police successfully prosecute her attacker in 2017.
 - o In California, a judge ordered the release of Victor Amada Rodriguez-Flores, an immigrant crime victim and U visa applicant whom ICE had arrested.⁸²
 - o In Texas, ICE arrested Oscar Bonilla after he agreed to help investigators crack a criminal case.⁸³ The Justice Department then criminally charged him for illegally entering the country.
 - o In Maine, local police notified Border Patrol about a man who was part of a group trying to stop a suicide attempt and who had called the police for help, and Border Patrol arrested him.⁸⁴
- *The administration arrests defendants before trial.* As highlighted in a new report by the House Judiciary Committee Democratic Staff, the administration is also detaining and deporting defendants before trials can occur, and justice can be served.⁸⁵ The administration has deported more than 100,000 individuals with pending charges against them, preventing them from proving their innocence but also undermining criminal prosecutions and cutting off restitution and justice for victims.⁸⁶ Among the numerous instances of this phenomenon ICE deportations protected from consequences: one of the most prolific jewel thieves ever in California, an extortionist in Colorado, a violent robber in Washington, a domestic abuser in Colorado, and a fraudster in Texas. Deportations prior to sentencing prevent prison sentences, obstruct restitution, and even

allow the deportees free to attempt return to the United States as thousands have under President Trump's two terms in office.⁸⁷

- *The administration is harassing, detaining, arresting, and killing people for protesting their activities.* DHS has detained or arrested numerous individuals for following, observing, and recording them, even though the Constitution protects every American's right to do so.⁸⁸ DHS Secretary Kristi Noem has said that it is "violence" to be "doxing" and "videotaping them where they're at when they're out on operations."⁸⁹ Not only do DHS agents want to operate anonymously, with masks, no names, and often without even uniforms, they insist on threatening, detaining, and arresting people who observe, record, or protest their activities. Observers have recorded DHS agents threatening to "put hands on you and arrest you" if they "continue to follow us."⁹⁰ One judge found an "ongoing, sustained pattern of conduct" where drivers were stopped without probable cause of a crime for "following federal law enforcement agents at a safe distance to observe the agents' activity."⁹¹
- *The administration is violating habeas corpus and ignoring court orders:* The Constitution guarantees all individuals in the United States the writ of habeas corpus, or the right to challenge their confinement in court. In thousands of cases, DHS has asserted that individuals have no right to seek release, and judges have overwhelmingly rejected these assertions.⁹² Nonetheless, DHS has violated nearly 100 court orders to release people detained without bond in Minnesota alone.⁹³ DHS has violated court orders in dozens of other cases regarding different immigration matters as well, undermining the rule of law and the Constitution.⁹⁴

The administration's reckless assault on the rule of law in pursuit of indiscriminate mass deportation creates mistrust between immigrants and law enforcement and between state and local governments and the federal government. Congress should restore cooperation and trust by requiring that ICE target only serious criminal threats and work collaboratively with state and local governments on that mission.

Congress should be investigating and stopping the current constitutional violations in immigration policy, not enacting new ones. Instead, Congress should follow the advice of the Major City Chiefs Association: "The decisions related to how local law enforcement agencies allocate their resources, direct their workforce and define the duties of their employees to best serve and protect their communities must be left in the control of local governments."⁹⁵ While Congress may not always agree with state and local decisions about how to allocate their resources, their officials are better equipped to prioritize those resources than the federal government.

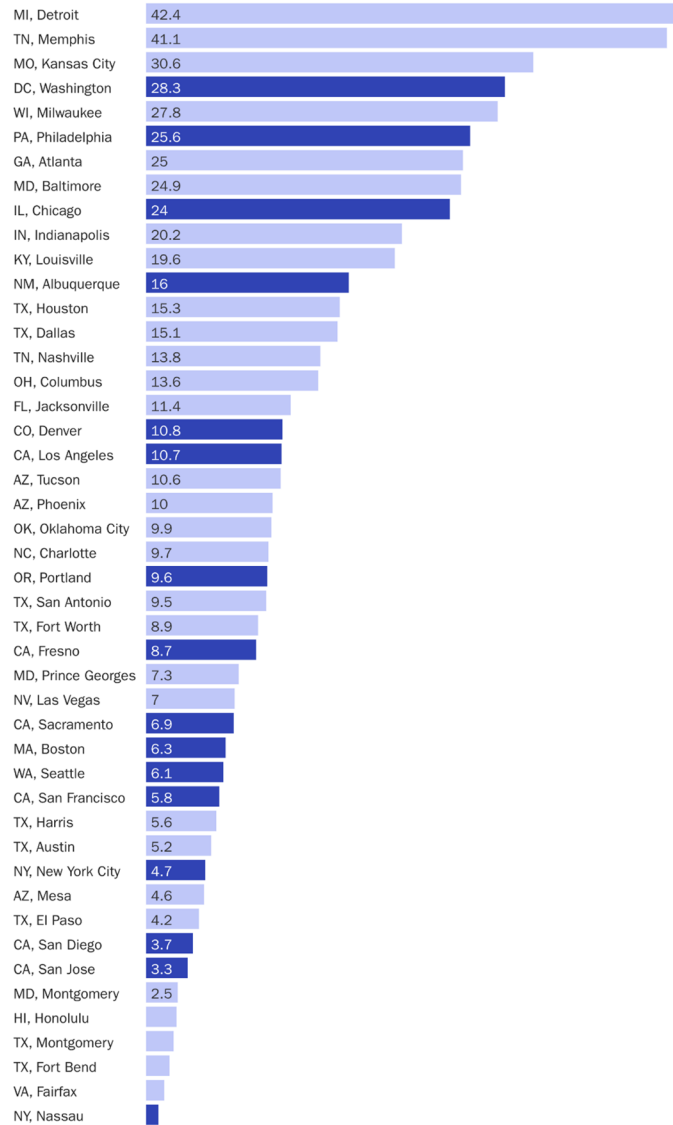
Fairfax County is the second safest major jurisdiction in America.

Fairfax County is one of the safest counties of its size in America. From 2018 to 2025, Fairfax had an average annual homicide rate of 1.5 per 100,000, which was second lowest among major cities only to Nassau County, New York.⁹⁶ The Department of Justice considered Nassau County, not Fairfax County, to be a sanctuary jurisdiction in 2025.⁹⁷ The graph below ranks the murder rate for all jurisdictions with at least half a million residents. During this period, sanctuary status had no relationship to the level of homicide in a city, and the foreign-born share of the population in these cities was associated with a lower homicide rate in these cities.

Sanctuary cities don't have higher murder rates than other cities

Annual average murder rate, per 100,000, agencies with 500,000+ population, 2018-2025

Not Sanctuary DOJ Sanctuary



Sources: Real Crime Index; Sanctuary list via Justice Department, "Justice Department Publishes List of Sanctuary Jurisdictions," August 5, 2025.

- *Illegal immigrants in Fairfax don't have a high murder rate.* Fairfax has had four murders purportedly committed by illegal aliens in 2025 and 2026.⁹⁸ There are 102,000 illegal immigrants in Fairfax, Virginia, which is an annualized homicide rate of about 3 per 100,000 residents.⁹⁹ This is about 25 percent lower than the homicide rate for the country as a whole in 2025 and over 70 percent below the homicide rate for major cities.¹⁰⁰ Systematic data from Texas shows illegal immigrants were similarly 26 percent less likely to be convicted of murder from 2013 to 2022.¹⁰¹ This is not an argument that policymakers should ignore illegal immigrant killers, but rather that they should focus all their efforts on serious criminal offenders to stop them before they kill, not indiscriminately target immigrants.
- *The administration isn't enforcing the law prioritizing serious offenders.* The Laken Riley Act orders the federal government to target violent and property criminals, but DHS has failed to implement the law.¹⁰² As a result, DHS has repeatedly allowed offenders to commit new crimes. ICE officials have repeatedly told media outlets that they have been told not to prioritize criminal illegal immigrants. ICE agents told the *New York Post*, "All that matters is numbers, pure numbers. Quantity over quality."¹⁰³ ICE has arrested more than 150,000 individuals without any criminal convictions or even charges since January 20, 2025, rather than tracking down serious fugitives like the killers in Fairfax.
- *Reasonable restrictions on aiding immigration enforcement do not increase crime.* A dozen studies have found that limits on participation in immigration enforcement do not lead to higher crime rates.¹⁰⁴ Sanctuary policies were associated with fewer assaults and burglaries after adoption in 2014.¹⁰⁵ There was no change in Florida counties that adopted sanctuary policies in 2019.¹⁰⁶ From 1999 to 2010, these policies had no effect on crime in sanctuary cities.¹⁰⁷ Cities that first participated in ICE's "Secure Communities" jail surveillance program did not see decreases in crime relative to other cities, which were de facto sanctuaries.¹⁰⁸ "Sanctuary cities," broadly defined, saw more significant decreases in both violent and property crimes from 2014 to 2016,¹⁰⁹ and they did not experience higher violent or property crime rates than other cities.¹¹⁰ Additionally, California's SB 54 did not increase crime rates.¹¹¹

A limitation of this research is that it mostly predates many of the most restrictive policies on immigration enforcement participation, and it includes a diverse range of policies. From 2010 to 2015, these policies did reduce deportations, but not of people with violent convictions.¹¹² This is an indication that those policies did not severely hamper ICE's efforts to target violent criminals during that period. Whether these conclusions hold true for more recently enacted policies remains to be studied.

Immigration enforcement should protect the Constitution and prioritize threats.

Congress must require DHS to follow the law and the Constitution. DHS has violated the Constitution and the Bill of Rights nearly every day of the Trump administration.

- It has routinely violated court orders hundreds of times, including intentionally.¹¹³
- It has violated the First Amendment on numerous occasions, including by arresting immigrants for their political speech and by detaining Americans for protesting their actions.¹¹⁴

- It has violated the Fourth Amendment by invading the homes of US citizens without warrants¹¹⁵ and by seizing US citizens based on their demographic characteristics to interrogate them about their citizenship.¹¹⁶
- It has violated the Fifth Amendment's due process clause and Constitutional guarantee of habeas corpus by detaining immigrants unlawfully and ignoring their right to seek release in court.¹¹⁷
- It has violated the Sixth Amendment right to trial by imprisoning immigrants in foreign prisons without trial.¹¹⁸
- It has violated the Fifth and Eighth Amendments by detaining and imprisoning immigrants in conditions that would amount to cruel and unusual punishment.¹¹⁹
- It has violated the Tenth Amendment by threatening states and localities for refusing to do the bidding of DHS.¹²⁰
- It has violated the Fourteenth Amendment by threatening to strip citizenship of US-born children of immigrants who have no permanent status in the United States.¹²¹

To restore the rule of law, maintain accountability, and restore trust with states and cities across the country, Congress should:

1. Order the administration to prioritize deportable criminal threats for removal;
2. Prohibit wearing masks and require federal agents to identify themselves;
3. Ban racial profiling and require federal agents to obtain warrants for specific individuals based on probable cause of a violation of the law prior to making arrests;
4. Reinforce current law that prohibits interrogating US citizens about their status;
5. Require Border Patrol to patrol within a 10-mile radius of land borders;
6. Create a private right of action for violations of constitutional rights by federal agents;
7. Explicitly prohibit qualified immunity defenses for constitutional violations;
8. Prohibit threats or arrests in retaliation for First Amendment-protected activity;
9. Explicitly permit states and localities to investigate crimes committed by federal agents;
10. Allow states to sue the federal government for violations of their residents' rights; and
11. Permit nationwide injunctive relief by courts for policies violating federal law.

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Mr. McCLINTOCK. Thank you. Mr. Kennedy?

STATEMENT OF SEAN KENNEDY

Mr. KENNEDY. Thank you, Chair, Ranking Member, and the Members of this Committee. Thank you for inviting me to testify.

My name is Sean Kennedy, president of Virginians for Safe Communities, a Fairfax-based public safety and victims' rights advocacy group, and I am an appointed member of the Fairfax County Criminal Justice Advisory Board.

I'm going to get straight to the point. Anyone who is in the United States without legal status, any violent criminal, should be prosecuted to the fullest extent of the law, and if they don't have legal status, they should be deported. Full stop.

Those aren't my words. That was Governor Abigail Spanberger yesterday. In Fairfax County, neither of those things are happening.

First, Fairfax chief prosecutor Steve Descano does not prosecute to the fullest extent of the law. In fact, one of his former prosecutors told me: Every time I hear Descano say, "community values," I cringe because we should be following the law, not his values. In fact, he openly flouts the law, ordering his prosecutors to seek lighter sentences for violent criminals and sex offenders, including murderers and child rapists.

Second, Mr. Descano boasts that he chooses which charges to bring and what sentences to seek, based on who is the offender. Being illegally present earns an offender preferential treatment, but that grace is not afforded to those who need it the most; something that the professor just spoke about victims. Make no mistake, the vast majority of criminal aliens' victims are themselves immigrants. They, too, deserve justice. They, too, deserve safety. They, too, deserve dignity. Mr. Descano has shown a callous disregard for them and their rights, our laws and our public safety. That is wrong and that is illegal, and it has appalling consequences.

At four o'clock in the morning on June 15, 2023, a mother woke to the screams of her four-year-old girl from the next room. A man had broken in through the bedroom window and carried off the toddler, committing burglary with the intent to rape, according to the police.

He was well-known to the police and Mr. Descano. He was Hyrum Baquedano-Rodriguez, a Honduran national. In 2021, two years before, Baquedano-Rodriguez was arrested for multiple incidents of "indecent liberties with a child." Each of the three counts carried up to 10 years in prison under Virginia law, but Mr. Descano, who directs his prosecutors to avoid immigration consequences, reduced the charges. Despite committing a break-in while awaiting sentencing, Descano agreed to a six-month sentence for prior crimes.

He was quickly arrested again for burglary to commit a felony, punishable by 20 years, but that was reduced to property damage. More arrests, probation violations, and dropped charges followed. He walked free and went fugitive.

In 18 months, Baquedano-Rodriguez racked up five arrests and 23 charges, requiring him to spend the rest of his life in the Virginia Department of Corrections, but Mr. Descano's policies prohib-

ited that. He'd stated that his deputies must "make plea offers that avoid the legislatively mandated minimum jail sentence." A criminal alien was free to abduct a sleeping little girl.

Somehow this "parent's worst nightmare," in the words of Judge Randy Bellows, got worse when Mr. Descano gave the kidnapper a plea deal for less than two years in prison. An outraged Judge Bellows rejected the plea agreement, saying the only way to protect the community is a lengthy period of incarceration.

When the same deal came before Judge Susan J. Stoney the next year, she, too, was incredulous:

The court is concerned about the severity of the crime, the fact the defendant's criminal history indicates a record of other involvement with minors, and that the potential sentence here in this case is too lenient . . . the court has grave concern in the interest of public safety.

In a vindictive and petty move, Mr. Descano then dropped all the charges. The little girl's family was beside themselves. He was set to be released within hours. Denied justice by the same man charged with protecting the innocent, their little girl and the public, that family had to act.

The little girl's grandmother Natalie called the ICE hotline and said, "I gave [them] all the information I had to the person on the other end."

When ICE arrested him, as he walked out, she said, "It was a sigh of relief." According to the girl's mother Christy, "God protected my little girl, but who is going to protect the next one?" Certainly, not Mr. Descano.

Sadly, since he has become Commonwealth's Attorney, this case is not the exception; it is the rule. Under Mr. Descano, it is policy. Fairfax's chief prosecutor has chosen to sacrifice victims on the altar of ideology. Hundreds, if not thousands, of violent and sex crimes should never have happened if Mr. Descano followed the law, not his values.

In shielding criminal aliens, Mr. Descano shows a depraved indifference to human suffering. That is not compassion; it is cruelty. That is not compassion; it is cruelty.

Thank you.

[The prepared statement of Mr. Kennedy follows:]



**“Fairfax County, Virginia:
The Dangerous Consequences of Sanctuary Policies”**

TESTIMONY OF

Sean Kennedy

President

Virginians for Safe Communities

Member

Fairfax County Criminal Justice Advisory Board

Hearing Before

The Subcommittee on Immigration Integrity, Security, and Enforcement

The Committee on the Judiciary

United States House of Representatives

May 14, 2026

Thank you, Mr. Chairman and Ranking Member Jayapal, for inviting me to participate in today's hearing. This hearing is timely because the tragedy is no longer theoretical.

My name is Sean Kennedy. I serve as president of Virginians for Safe Communities, a nonprofit public-safety and victims' rights advocacy group based in Fairfax, Virginia. I am also an appointed member of the Fairfax County Criminal Justice Advisory Board.

My home county of Fairfax is a so-called "sanctuary" jurisdiction. The County Board of Supervisors adopted and enforces an official "Trust" policy. The elected sheriff refuses cooperation with ICE. And the county's chief prosecutor, Commonwealth's Attorney Steve Descano, blocks cooperation with immigration enforcement and actively seeks to avoid "collateral immigration consequences."

Calling these policies "sanctuary" policies is disingenuous. Sanctuary means "refuge," "safe haven," or a place where immunity or asylum is granted. The legal concept of sanctuary, like the origins of the word itself, connotes protection afforded inside a holy place. In the medieval context, sanctuary was granted to accused criminals from extrajudicial or extreme punishment, but it was usually temporary. The place of sanctuary then required the fugitive to leave the country or face justice.

True sanctuary should be afforded to the innocent and defenseless, not violent offenders and sexual predators. I invite this body to debate how we enforce our immigration laws. But in that debate, do not lose sight of who these sanctuary policies protect and who they abandon.

The vast majority of victims of criminal aliens are immigrants themselves. You are not defending immigrants, human dignity, or the Constitution when you support policies that shield dangerous offenders from prosecution and removal. You are defending heinous foreign criminals who prey on the innocent immigrants you claim to help.

Those victims deserve justice, safety, and protection. They deserve a government that stands between them and the monsters who walk among us. When we fail to uphold that obligation, we fail as a nation, as a government, and as human beings.

Make no mistake: Fairfax County officials are failing to uphold their oaths and their moral duty to the public.

I am heartened that members of both political parties and members of this committee agree that shielding dangerous criminal aliens from prosecution and eventual removal is unsafe and unacceptable.

Virginia Governor Abigail Spanberger "strongly believes violent criminals who are in the United States illegally should be prosecuted to the fullest extent of the law and deported," according to her official spokesperson.

Congressman Jamie Raskin stated last year that, “Those who commit horrific violent crimes like these must be prosecuted to the fullest extent of the law.”

Congresswoman Pramila Jayapal said: “Any person convicted of serious crimes should be held accountable.”

Unfortunately, that bipartisan consensus does not extend to the chief prosecutor’s office in Fairfax County.

According to Mr. Descano’s own words and policies, the Office of the Commonwealth’s Attorney for Fairfax County is abetting dangerous, violent offenders precisely because they are illegally present. Mr. Descano may cloak his policies in progressive principles, but they show a depraved indifference to human life.

The case of Hyrum Baquedano-Rodriguez shows what these policies mean in practice.

At about 4 o’clock in the morning on June 15, 2023, a 4-year-old girl was asleep in a ground-floor apartment at the Wedgewood on Little River Turnpike in Annandale, Virginia. She was sharing a room with her mother. According to the court’s statement of facts, a man entered through a window and attempted to take the child. The girl later said a “big man” had grabbed her. During a forensic interview the next day, she disclosed that the man picked her up by her torso and removed her from her bed. Police found a shoe print on a cushion near the window, wet shoe prints leading directly to the child’s bed, a handprint on the window, and latent prints outside and inside the window. Forensic analysis matched a thumb print and partial palm print to Hyrum Baquedano-Rodriguez.

This was not an abstraction. It was not a policy dispute in a committee room. It was a mother waking to her daughter screaming. It was a child dragged from her bed. It was a family left to live with the terror that the man who entered their home had been watching them.

Annandale Today reported days after the attack that the child remained traumatized. “She grinds her teeth in her sleep,” her mother Christy said, “and she’s afraid to go to the bathroom by herself.” Christy, a single mother, said, “I can’t sleep. I have to move out of this complex.” Her account was chilling in its simplicity. Her daughter woke up screaming. The blinds slammed and rattled as the intruder escaped through the same window he used to enter. When Christy asked what happened, the child said, “he grabbed me to the living room. It was a big boy.”

In the words of Fairfax County Circuit Judge Randy Bellows, the crime was a “parent’s worst nightmare.” But as the judge continued, a “criminal justice system that cannot protect a four-year-old child in such circumstances is a failure.”

The system did not fail that girl in the abstract. Fairfax Commonwealth’s Attorney Steve Descano did. The events of that night should never have happened.

The man arrested for the crime is Honduran national Hyrum Baquedano-Rodriguez.

According to ICE, Baquedano-Rodriguez first entered the United States illegally near Yuma, Arizona, in August 2018 and was released on immigration bond by a DOJ immigration judge in January 2019. At some point, he made his way to Fairfax, Virginia. Within six months, he was cited for buying tobacco under 21 and fined.

Then, in September 2021, Mr. Baquedano-Rodriguez allegedly committed “indecent liberties with a child” on two separate occasions and committed a separate incident of “indecent exposure” five days later. A month after that, he allegedly committed “indecent liberties with a child” yet again and was arrested on November 9, 2021.

The indecent liberties Class 5 felony charges, each carrying a penalty of up to 10 years in Virginia state prison, were reduced to two misdemeanors: disorderly conduct and contributing to the delinquency of a minor. He was sentenced to six months in jail in October 2022.

But Mr. Descano’s office made that deal although Baquedano-Rodriguez, who had been released before sentencing, had been arrested in July 2022 for two separate breaking-and-entering incidents, possession of burglary tools, and violation of his bail conditions. Tellingly, one of the charges was “destruction of property with no intent to steal.”

What was Mr. Baquedano-Rodriguez doing if larceny was not his objective? Both police and prosecutors knew. Still, Mr. Descano let him walk out of court that day a free man.

Within weeks, Mr. Baquedano-Rodriguez committed another break-in and was back in police custody for a Class 3 felony, “burglary at night to commit a felony,” which carries a mandatory minimum of five years and a potential sentence of 20 years.

Mr. Descano’s sentencing policy orders prosecutors to “make plea offers that avoid the legislatively mandated minimum jail sentence” by offering an amended charge that does not entail those penalties. A potential 20-year sentence became two months for the misdemeanor offense “enter a property to commit damage.”

Again, he did not even serve that sentence because he violated his probation in December 2022. When he was arrested again in February 2023, prosecutors once again dropped those charges, and Mr. Baquedano-Rodriguez walked free. For yet another probation violation, he earned 10 days in April 2023. Then he became a fugitive.

Two months later, Mr. Baquedano-Rodriguez attempted to abduct and sexually abuse that sleeping 4-year-old girl. He was arrested on June 17, 2023, on warrants for burglary, and abduction with intent to defile. The initial charges exposed him to life plus 20 years. Then the Commonwealth began reducing the charges. The burglary charge was amended from a felony carrying up to 20 years to misdemeanor unlawful entry carrying up to 12 months. The abduction charge was stripped of the “intent to defile” language. Later, the indictment omitted the victim’s age, reducing a potential life offense to a Class 5 felony carrying up to 10 years.

By March 2024, Mr. Descano's office had negotiated a plea agreement capping active incarceration at two years. The deal also included a lifetime protective order and no-contact provision. But Judge Bellows saw what every parent can see: protective orders mean little to a defendant who has already shown that he will not obey the law or the orders of a court.

Prosecutors claimed the case was flawed, despite saying the finger and palm prints of Baquedano "clearly prove" he broke into the home that night. Judge Bellows called several of the Commonwealth's justifications "inexplicable and certainly not persuasive."

Judge Bellows rejected the plea. He wrote that Baquedano-Rodriguez came before the court with a "deeply troubling record of unlawful conduct." Five of his six prior misdemeanor convictions had begun as felony charges, including two sex crimes involving minors and three burglaries. All had occurred in the prior three years. The sanctions already imposed, including jail and probation, had not stopped him. He had not even completed his last term of probation when he committed the current offenses.

Judge Bellows concluded that "the defendant has committed a crime of such gravity as being described as posing an existential threat to a child's life, the only goal of sentencing likely to protect the community is a lengthy period of incarceration. This Plea Agreement fell woefully short of that goal."

The Commonwealth's Attorney's Office bounced the case around circuit court for another year before it landed before Judge Susan J. Stoney in May 2025. Judge Stoney was equally alarmed by the proposed sentence, which called for one year and 11 months. With time served, Baquedano-Rodriguez would have walked out of court a free man that day.

Judge Stoney said:

"The court is concerned about the severity of the crime, the fact that the defendant's criminal history indicates a record of other involvement with minors, that the potential sentence here in this case is too lenient, and the court has a grave concern about the interest in public safety."

After the court rejected the plea, Mr. Descano dropped ("nolle prosequi") all charges in what can only be described as a dangerous fit of vindictive pettiness.

Before Mr. Baquedano-Rodriguez was processed out of the Fairfax County jail, the victim's family, who witnessed the court hearing and its aftermath, were stunned.

NBC 4 reported:

Natalie, the little girl's surrogate grandma, attended the hearing representing the family. She knew Baquedano Rodriguez may have been wanted by ICE. So after the hearing, she got on the phone.

"I called the hotline number, and I gave all the information I had to the person on the other end," Natalie said.

When Baquedano Rodriguez walked out of the Fairfax County jail on Friday, ICE agents were waiting for him and took him into custody. ICE says he's been served with an order of removal and is now in their custody in a detention center.

"It was a sigh of relief," Christy said. "I told my family, I said, 'God protected my little girl, but who is going to protect the next one?'"

After two long years, Christy and her family are finally feeling a measure of safety.

For the child victim's mother, the man charged with delivering justice, ensuring safety, and giving her family peace of mind failed them at every turn. Mr. Descano's office offered a criminal alien and child sexual predator extreme leniency. ICE gave that family the protection Fairfax prosecutors denied them. Mr. Baquedano-Rodriguez has been removed from this country.

But the little girl's mother asked the question every public official should answer: Who is going to protect the next one? Certainly not Mr. Descano.

The Fairfax County Commonwealth's Attorney's Office under Steve Descano has chosen to sacrifice victims, often children who suffered horrific sexual abuse, on an altar of ideology.

In December 2020, Mr. Descano adopted an official policy instructing his line prosecutors to consider "collateral immigration consequences" in all charging, plea, and sentencing decisions. The policy lamented the "detrimental impact that deportation/removal has on the families and communities those removed or deported leave behind."

Whose families exactly are Fairfax prosecutors shielding from those consequences?

In a statement to the ACLU, Mr. Descano laid out the meaning more bluntly, writing: "my office will not cooperate with ICE, nor will it notify or alert immigration officials or agencies regarding witnesses, victims, or defendants with whom the office comes into contact."

Note the word "defendants."

On Mr. Descano's own campaign website, which he scrubbed last month after it was publicly reported, he wrote, "If two people commit the same crime, but only one's punishment includes deportation, that's a perversion of justice and not a reflection of the values of Fairfax County."

Mr. Descano defends his policies as "fair, legal, and reflect the values of Fairfax County."

They are not fair. They are not legal. They do not reflect the values of Fairfax County. And Fairfax is less safe since he assumed office.

Mr. Descano operates a two-tier justice system: one for criminal aliens subject to deportation and another for American citizens. In the upside-down world of the Fairfax Commonwealth's Attorney's Office, citizenship confers fewer rights and protections, not more.

This is not one case. There is a broader pattern in which felony charges against illegal aliens are dropped or downgraded in ways that avoid collateral immigration consequences, often using Crespo plea deals. Many of the violent and sexual predators have benefited from Descano's policies have gone on to commit heinous offenses including murder, rape, child sex abuse, and malicious wounding. Through public records and media reports I have been able to identify dozens of these offenders including Abdul Jalloh, Juan Rodriguez Alfaro, Denis Humberto Navarette Romero, Wilmer Osmany Ramos Giron, Marvin Morales-Ortez, and Maldin Anibal Guzman.

The Virginia Attorney General's office report years' worth of examples involving victims' rights violations, improper plea agreements, Brady and discovery violations, prosecutorial incompetence, and unlawful or unconstitutional office policies. It rightly observes that the Fairfax Circuit Court, which rarely posts its opinions online, took the extraordinary step of issuing a published opinion explaining why the court rejected the Baquedano-Rodriguez plea.

Under the Equal Protection Clause of the United States Constitution and Title VI of the Civil Rights Act, Mr. Descano's "consideration" of immigration status as a basis for charging, plea, or sentencing decisions constitutes discrimination. Further, claims that these policies comport with *Padilla v. Kentucky* are an intentional misreading of the Supreme Court opinion. Padilla recognized an affirmative obligation of defense counsel to inform a client of potential immigration ramifications of a guilty plea. It created no burden, much less an affirmative duty, for prosecutors to inform defendants of immigration consequences or minimize the effect of their convictions and sentences.

For victims, deportation may be the last available form of justice when local prosecutors deny them protection, accountability, and peace of mind.

The "immigration consequences" policies of Fairfax Commonwealth's Attorney Steve Descano have enabled repeat violent and sexual offenders to victimize Fairfax County.

Mr. Descano and Fairfax officials like to say Fairfax County is the safest jurisdiction of its size, but it is demonstrably less safe under his tenure. Justice is perverted and repeat offenders are free to re-offend and re-victimize the community.

crime rose, prosecutions fell, and repeat offenders learned that consequences were negotiable.

The clearest evidence is property crime. According to Virginia State Police data, property crime in Fairfax County rose 9.9% between 2019 and 2024, while it declined 2.2% across the rest of Virginia. That is not a statewide trend washing over Fairfax. It is Fairfax moving in the wrong direction while the rest of the Commonwealth improved.

The same pattern appears in crimes against persons. Fairfax reported 8,243 crimes against persons in 2020 and 11,038 in 2024, a roughly 34% increase. Major violent-crime totals reported through the Major Cities Chiefs Association nearly doubled from 651 in 2019 to 1,208 in 2024. The

problem is not merely shoplifting or post-pandemic disorder. It is violence, intimidation, assault, and repeat victimization.

At the same time, Descano's office produced fewer felony convictions and fewer trials. 7News reported that under Descano, Fairfax sent fewer felony cases to trial, dismissed or dropped more felony charges, and secured fewer guilty felony verdicts than during the previous Commonwealth's Attorney Ray Morrogh's final three years, even as major crime categories increased. Felony guilty verdicts fell from 1,629 in 2019 to 851 in 2020, 759 in 2021, and 1,185 in 2022.

The human cost is visible in strangulation cases. The Washington Post reported that Fairfax strangulation charges rose from 134 in 2021 to 217 in 2022, but many cases were dropped or pleaded down, and convictions remained sparse. A judge said there had been a "significant rise" in strangulation charges but not in prosecutions or convictions.

That is the Descano record: more crime, fewer consequences, more victims, and a prosecutor's office that too often treats accountability as an afterthought.

These policies are a menace to public safety in Fairfax County, and the Justice Department has rightly decided to investigate Mr. Descano's office for his illegal and immoral policies and practices.

We cannot undo the damage that his policies have wrought but we can prevent future injustices.

In shielding these criminal aliens, Mr. Descano and Fairfax County show a depraved indifference to human life. That is not compassion, it is cruelty.

The "immigration consequences" policies of Fairfax Commonwealth's Attorney Steve Descano have enabled repeat violent and sexual offenders to victimize Fairfax County.

APPENDICES:

1. Leniency Toward 25 Violent and Sexual Predator Criminal Aliens
2. Fairfax County Police Crime Charts
3. LELDF Complaint to Department of Justice
4. Cheryl Minter and Victims Rights Reform Council Complaint to Department of Justice
5. Judge Randy Bellows Order in Hyrum Baquedano-Rodriguez Case
6. Fairfax County Police Warnings to Fairfax Prosecutors Regarding Abdul Jalloh
7. Fairfax Commonwealth's Attorney "Guidelines for Plea Bargaining, Charging Decisions, and Sentencing (December 2020)

Here are 25 of those repeat violent and sex offenders benefiting from Mr. Descano's leniency:¹

Abdul Jalloh [Second-degree murder - February 2026]

Abdul Jalloh was charged with second-degree murder in February 2026 after Stephanie Minter's fatal stabbing in Hybla Valley. Before that killing, he had more than 30 prior arrests and more than 40 prior charges, including repeated violent felonies and multiple earlier stabbing-related cases. Prior charges included four malicious wounding, assault and battery, rape, and shooting or throwing into an occupied building. Public reporting tied him to four earlier alleged stabbings before the Minter killing. He was released from Fairfax custody in November 2025 and was back on the street before the February 2026 homicide of Stephanie Minter.

Maldin Anibal Guzman [malicious wounding by mob / homicide case - July 2024]

Maldin Anibal Guzman accumulated a lengthy repeat-offender history before the July 2024 Oakton killing of a homeless man outside a convenience store. Over roughly two years, he amassed about 22 charges and 9 arrests, including assault and multiple malicious-wounding cases, and was repeatedly released on recognizance before the homicide case. July 2024 case: malicious wounding by mob tied to the fatal beating of a homeless man in Oakton. Prior record: about 23 charges between July 2022 and July 2024 and 9 arrests. Prior assault charge in October 2022. Prior attempted malicious wounding charges in March 2023. Prior malicious wounding charge in June 2023. He was released on recognizance on prior cases, including the June 2023 malicious wounding case. Most prior charges were dismissed or dropped. Sentenced to only 5 years for homicide in April 2026

Marvin Fernando Morales-Ortez [Att. Murder – September 2025, Murder – December 2025]

In 2021, Mr. Descano's office dropped charges against Salvadorian national Marvin Morales-Ortez in connection with the 2019 Reston murder of Jose Lorenzo Guillen Mejia, despite prior findings of probable cause and proffered evidence (including an alleged confession to key facts). In August 2023, Morales-Ortez was charged with assaulting a police officer and charges were again dropped. Then in June 2024, he was charged with theft and had charges dropped. In September 2025, Morales-Ortez faced charges of brandishing a firearm and aggravated malicious wounding with victim "severely injured." On December 16, 2025, Mr. Descano's office dropped those charges and within 24 hours, Morales-Ortez allegedly killed a man in Reston.

¹ All charge, plea, disposition, and criminal history details are derived from 1) Fairfax County Police Department, Arrest Records November 2020-December 2025, obtained via Virginia FOIA by Nicole Miller and provided to the author for analysis. 2) Virginia Judiciary, Online Case Information System, General District Court filings, <https://eapps.courts.state.va.us/ocis/landing>. 3) Fairfax County Circuit Court, "eCaseSearch" public access system, https://www.fairfaxcounty.gov/apps/ECS_Public/. All records are available upon request.

Wilmer Osmany Ramos Giron [Abduction by force / strangulation - January 2025]

Wilmer Osmany Ramos Giron was arrested in January 2025 on abduction by force, strangulation causing injury, and assault on a family member. He was released from local custody in March 2025, and ICE arrested him in April 2025 after a prior federal firearm conviction and two earlier removals. Fairfax charges in January 2025: abduction by force, strangulation causing injury, and assault on a family member resolved via Crespo plea, avoiding conviction/deportation. Released from local custody in March 2025. Arrested by ICE in Chantilly in April 2025. Prior record included a 2019 federal firearm conviction. Prior removals occurred in 2012 and January 2020. Victim disputes Mr. Descano's account that she agreed with plea deals.

Jorge Armando Melendez-Gonzalez [Malicious woundings / firearm in commission of a felony - August 2023]

Jorge Armando Melendez-Gonzalez was charged after a triple shooting in Merrifield in August 2023. Since 2018, Fairfax had arrested him 10 times and charged him 19 times, including violent and firearm-related offenses. August 2023 charges: 3 counts of malicious wounding and 3 counts of use of a firearm in the commission of a felony. Prior Fairfax charge categories included malicious shooting, unlawful wounding, firearm offenses, assault and battery, and grand larceny. He had been apprehended at the border in 2015 and ordered removed in 2016.

Hyrum Baquedano Rodriguez [Abduction / attempted rape of 4-year-old - June 2023]

Hyrum Baquedano Rodriguez built up a substantial prior record before a June 2023 case involving the attempted abduction and attempted rape of a 4-year-old. Two judges later rejected plea deals, all charges were dismissed in May 2025, and ICE arrested him that same month. Prior charges from 2018 to early 2023 included illegal entry or false-statement-related conduct, indecent exposure involving a child, bail violation, breaking and entering with tools, breaking and entering, probation violations, burglary at night, and failure to appear. June 2023 case: abduction and attempted rape involving a 4-year-old. A judge rejected a plea deal in May 2024. A second judge rejected another plea deal in May 2025. All charges were dismissed in May 2025. ICE arrested him in May 2025.

Denis Humberto Navarette Romero [Rape / abduction with intent to defile - November 2024]

Denis Humberto Navarette Romero was charged after a November 2024 attack on the W&OD Trail in Herndon. He later picked up an escape-related jail charge, and a Fairfax judge found him incompetent to stand trial in September 2025. Charges from the November 2024 case: rape and abduction with intent to defile. Police alleged he pulled the victim into bushes and raped her. Additional jail-related charge followed an April 2025 attempted escape incident. Found incompetent to stand trial in September 2025.

Juan Rodriguez Alfaro, a Honduran national, had been previously deported three times engaged in a month- long sex crime spree in the summer of 2022, exposing himself and attempting to abduct women along a popular hiking trail. Felony charges were all downgraded to misdemeanors, thus allowing the perpetrator to avoid immigration consequences.

Jose Veizaga Vargas, a Bolivian national, who illegally entered the United States in April 2023 was arrested for rape of a child (carrying up to a life sentence) in May 2024 but his charges were reduced to a misdemeanor with a 6 months suspended sentence and he was released. Then he was arrested for DUI on August 8, 2024, and was again released until he was arrested a week later for child pornography offenses and released. ICE apprehended and removed him

Oscar Roberto Zaldivar sexually abused at least two children for years between 2011 and 2018. One victim was 5 years old. The Commonwealth's Attorney prior to Mr. Descano sought to incarcerate Zalvidar for life. Mr. Descano capped the child rapist's sentence at 17 years, which with "good time" credits would mean less than 12 years for the abuse. Fairfax judge rebuked the prosecutors and told the victim, "Make no mistake: your government has failed you." The "government" that failed that little girl was Mr. Descano's policies.

Simon Parina Sandi (DOB: 10/28/1980), a Bolivian national, was charged with attempted rape (Class 4 felony carrying up to 10 years in prison) on August 5, 2024. He released on recognizance (no bail). The charge was reduced to misdemeanor assault and battery and disposed as a "deferred disposition" in March 2025 per a Crespo plea (which allows immigrant defendants to admit guilt without incurring a conviction).

Carlos Humberto Sanchez Hernandez, an illegal immigrant from El Salvador, raped his 11-year-old step-daughter at least 40 times between 2017 and 2020, according to his own admission. Those crimes entail a mandatory minimum of life in prison. Due to a 2021 plea agreement with Mr. Descano's office, Sanchez-Hernandez received 12 years and will serve less than 8 under "good time" credit rules.

Jesus Arevalo Cruz (DOB: 10/18/1993)

Arevalo Cruz was arrested in July 2023 for sexual abuse of a child under the age of 13. He was released on a personal recognizance bond (no money) five days later. He was arrested again in February 2024 with additional child sex crimes; he was again released from custody. ICE apprehended him in April 2024 and began removal proceedings.

Marlon Joel Arita Figueroa (DOB: 09/15/1999)

Arrested 11 times and charged with 40 known offenses from Sep. 14, 2023, to Jul. 2, 2024, including malicious wounding.

First known arrest: Sep. 14, 2023 - burglary and credit card fraud.

Later arrests: credit card fraud (Nov. 2023); domestic assault (Jan. 2024); domestic assault (Feb. 2024); burglary (Mar. 2024); pickpocketing (Apr. 2024); domestic assault (Apr. 2024); violating a protective order (Apr. 2024); illegal alien in possession of a firearm (Apr. 2024); malicious wounding (May. 2024); burglary (Jul. 2024).

Luis Fernando Guardado Moreno (DOB: 07/17/2001)

Arrested 3 times and charged with 11 known offenses from Mar. 14, 2022, to Aug. 30, 2022, including malicious wounding causing serious injury.

First known arrest: Mar. 14, 2022 - illegal alien in possession of a firearm and possessing a firearm at school. Later arrests: malicious wounding causing serious injury (Mar. 2022); fugitive from justice (Aug. 2022).

Victor Manuel Matrigales (DOB: 08/06/2001)

Arrested 6 times and charged with 33 known offenses from Jan. 3, 2024, to Mar. 28, 2025, including abduction by force.

First known arrest: Jan. 3, 2024 - selling hard drugs and possession of hard drugs.

Later arrests: possession with intent to sell hard drugs (Mar. 2024); abduction by force (Mar. 2024); giving false identity to police (Aug. 2024); felony failure to appear (Mar. 2025).

Fredy Ronaldy Ochoa Ramirez (DOB: 04/17/1999)

Arrested 13 times and charged with 29 known offenses from Jul. 8, 2022, to Dec. 31, 2023, including shooting a firearm in public causing injury.

First known arrest: Jul. 8, 2022 - shooting a firearm in public causing injury and illegal alien in possession of a firearm.

Later arrests: receiving stolen goods (Apr. 2023); brandishing a machete or blade (Jun. 2023); auto theft (Jul. 2023); possession of hard drugs (Jul. 2023); auto theft (Jul. 2023); auto theft (Aug. 2023); identity theft (Oct. 2023); credit card fraud (Nov. 2023); possession of hard drugs (Nov. 2023); violating release conditions (Nov. 2023); violating release conditions (Nov. 2023); possession with intent to sell hard drugs (Dec. 2023).

Luis Alonso Patríz Hernández (DOB: 10/09/1991)

Arrested 6 times and charged with 16 known offenses from Jul. 5, 2023, to Jul. 23, 2025, including foreign national in possession of a firearm.

First known arrest: Jul. 5, 2023 - assault

Later arrests: possession of hard drugs (May. 2024); public intoxication (Jun. 2024); foreign national in possession of a firearm (Jul. 2024); public intoxication (Oct. 2024); assault on law enforcement (Jul. 2025).

Gerson Alexis Paz Ramos (DOB: 08/20/2003)

Arrested 9 times and charged with 19 known offenses from Oct. 21, 2022 to May. 2, 2024, including malicious assault of a pregnant victim.

First known arrest: Oct. 21, 2022 – theft

Later arrests: possession of hard drugs (Mar. 2023); possession of hard drugs (Mar. 2023); possession of hard drugs (Apr. 2023); misdemeanor failure to appear (Apr. 2023); felony failure to appear (Oct. 2023); selling hard drugs (Jan. 2024); malicious assault of a pregnant victim (Apr. 2024); violating deferred disposition (May. 2024).

Julio Gabriel Rivera Molina (DOB: 04/20/2002)

Arrested 9 times and charged with 17 known offenses from May. 23, 2022 to Jul. 24, 2023, including strangulation causing injury.

First known arrest: May. 23, 2022 - strangulation causing injury and domestic assault.

Later arrests: possessing a firearm with hard drugs (Dec. 2022); foreign national in possession of a firearm (Dec. 2022); possessing a firearm with hard drugs (Feb. 2023); violating release conditions (Mar. 2023); possession of hard drugs (Apr. 2023); selling hard drugs (Jun. 2023); felony failure to appear (Jul. 2023); felony failure to appear (Jul. 2023).

Marvin Alberto Rodriguez Corvera (DOB: 12/28/1998)

Arrested 5 times and charged with 16 known offenses from Jun. 14, 2022 to Aug. 22, 2024, including displaying a firearm while selling drugs.

First known arrest: Jun. 14, 2022 - possessing a firearm with hard drugs and carrying a concealed weapon.

Later arrests: felon in possession of a firearm (Jul. 2022); possession of hard drugs (Jul. 2023); possessing a firearm with hard drugs (Aug. 2023); displaying a firearm while selling drugs (Aug. 2024).

Jose Martin Mendoza Ramirez (DOB: 10/14/1990)

Arrested 7 times and charged with 19 known offenses from Feb. 25, 2021 to Dec. 22, 2024, including forcible rape and sexual assault.

First known arrest: Feb. 25, 2021 - possession with intent to sell hard drugs.

Later arrests: firing a gun in public and foreign alien in possession of a firearm (Mar. 2021); forcible rape and aggravated sexual battery (Mar. 2022); probation violation (May. 2022); selling hard drugs for profit (Sept. 2023); second DWI within five years and refusing a blood or breath test (Dec. 2024).

Wilson Giova Menjivar Guerra (DOB: 06/30/1997)

Arrested 4 times and charged with 15 known offenses from Aug. 16, 2021 to Jul. 24, 2024, including brandishing a firearm and carrying a concealed weapon.

First known arrest: Aug. 16, 2021 - assault on a family member.

Later arrests: brandishing a firearm and trespassing after being forbidden to enter (Jul. 2022); possessing a fake ID and hard drugs (Aug. 2023); carrying a concealed weapon, foreign alien in possession of a firearm, and possessing a firearm with hard drugs (Jul. 2024).

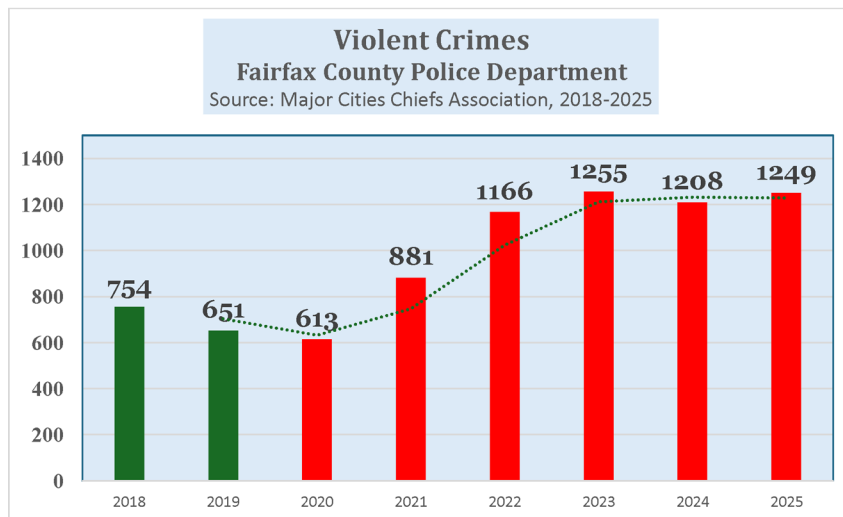
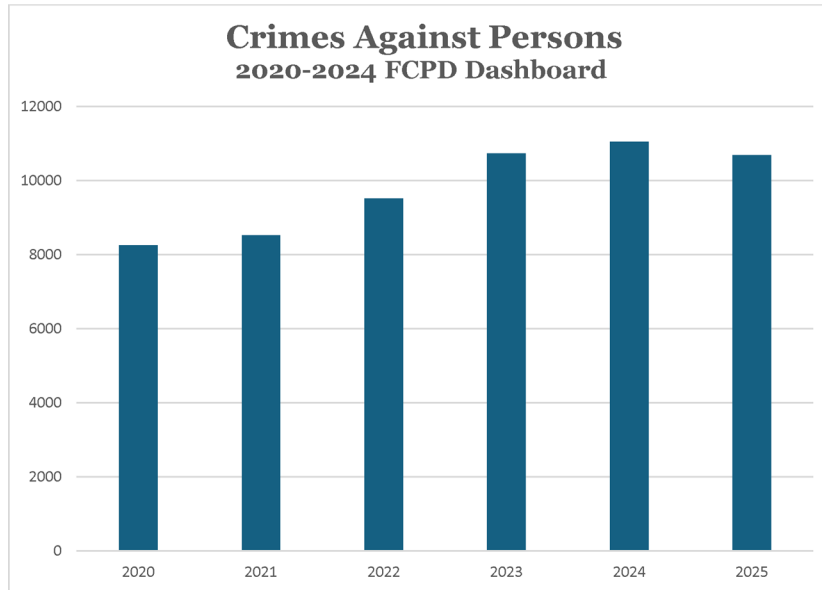
Yohandri Roger Mosquera-Rosas (DOB: 02/09/1994)

Venezuelan illegal immigrant arrested at least 4 times and charged with multiple known offenses from Jan. 2023 to May 2024, including malicious wounding, DWI, hit-and-run, and firearm offenses.

First known arrest: Jan. 2023 - malicious wounding, reckless handling of a firearm, leaving a loaded firearm so as to endanger a child under 14, and use of a firearm in commission of a felony. He received a 3-year suspended sentence and was released.

Later arrests: gun charge (June 2023); driving offenses (Feb. 2024 and May 2024). ICE arrested him in Springfield, Virginia, on Sept. 12, 2024, after multiple detainers were allegedly ignored.

Fairfax County Police Department Crime Data





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December 23, 2025

Harmeet K. Dhillon

Assistant Attorney General for Civil Rights
Civil Rights Division, U.S. Department of Justice
950 Pennsylvania Avenue NW
Office of the Assistant Attorney General
Washington, DC 20530

Via Electronic Mail and Regular Mail

Re: Request for Civil Rights Division Investigation - Fairfax County (VA) Commonwealth's Attorney's Office; Marvin Morales-Ortez matters

Dear Assistant Attorney General Dhillon:

It is both immoral and unlawful for a government agency to engage in systemic discrimination against U.S. citizens to the benefit of those illegally present. Further, any law enforcement agency engaged in such conduct imperils the lives of Americans while protecting foreign criminals. The Civil Rights Division of the United States Department of Justice (hereinafter "DOJ") must investigate and end these practices by the Fairfax County, Virginia, prosecutor's office and across the country. Otherwise, there will be more needless victims.

Recent developments in Fairfax County, Virginia, together with an official referral by the Virginia Attorney General, raise serious concerns that the Fairfax County (Virginia) Office of the Commonwealth's Attorney (Hereinafter "FCCOCA"), a governmental authority, is engaged in the unconstitutional exercise or non-exercise of law enforcement authority. In particular, the official policy and practices of the FCCOCA expressly treat similarly situated individuals differently based upon race, ethnicity, and immigration status, which deprives persons of rights, privileges, or immunities secured by the Constitution or Laws of the United States.

Under the United States Attorney General's authority to seek legal remedy either through direct prosecution or through civil action under **34 U.S.C. § 12601** ("Law Enforcement Consent Decree" statute), we ask that you launch an investigation into the FCCOCA for potential civil rights violations, namely illegal discriminatory practices and policies based on immigration status.

1. **Background.** Public reporting states that the FCCOCA office dropped a first-degree murder charge against Marvin Morales-Ortez in connection with the 2019 Reston murder

of Jose Lorenzo Guillen Mejia, despite prior findings of probable cause and proffered evidence (including an alleged confession to key facts), Morales-Ortez has since been charged in a December 2025 Reston homicide. Whether that dismissal was meritorious or not, it shines a bright light on the unlawful, discriminatory policies and practices of the FCCOCA.

Numerous other cases reflect a deliberate “pattern and practice” of illegal discrimination on behalf of those based on their immigration status – offering preferential and/or lenient treatment to avoid collateral immigration consequences for the offender.

- a. **Hyrum Baquedano Rodriguez**, a Honduran national, was charged with illegal entry in 2018 and ordered deported but allowed to stay pending appeal, and then went on to be arrested for multiple felony sex crimes against children, bail and probation violations, breaking and entering/burglary, and theft between 2021 and 2023. Every felony charge was dropped or downgraded to a misdemeanor (making the offender ineligible for deportation). In June 2023, Baquedano Rodriguez broke into a home and attempted to kidnap and rape a 4-year-old child. The original charges carried a mandatory minimum sentence of more than 30 years, yet FCCOCA offered the defendant no more than two (2) years’ incarceration and did not require him to register as a sex offender. Two separate judges rejected the plea agreement as “woefully inadequate.” In response, Descano dropped all charges entirely – setting the defendant free, until ICE apprehended him (after being alerted by the victim’s mother) and began deportation proceedings.¹
- b. **Juan Rodriguez Alfaro**, a Honduran national, had been previously deported three times engaged in a month- long sex crime spree in the summer of 2022, exposing himself and attempting to abduct women along a popular hiking trail. Felony charges were all downgraded to misdemeanors, thus allowing the perpetrator to avoid immigration consequences.²
- c. **Denis Humberto Navarette Romero**, a Honduran national, had been deported twice before illegally re-entering the country at an unknown date. Unemployed and on public assistance, Navarette Romero committed a series of crimes including “assaults, battery, trespassing, using a stolen vehicle, weapon violations, drinking and smoking marijuana in public, loitering, and indecent exposure” according to WJLA News.³ None of those charges, including felonies, resulted in convictions eligible for deportation.⁴ Then in

¹ Fairfax County Circuit Court, *Commonwealth of Virginia v. Hyrum B. Rodriguez*, FE-2024-69 (Fairfax, VA: Fairfax County Circuit Court, 2024), <https://www.fairfaxcountv.gov/circuit/sites/circuit/files/Assets/Documents/PDF/opinions/fe-2024-69-cov-v-hyrum-b-rodriguez.pdf>.

² *Fairfax Times*, “W&OD Trail Suspect Is Undocumented Immigrant,” *Fairfax Times* (article page; author and publication date not accessible via my web tools), accessed December 22, 2025, https://www.fairfaxtimes.com/articles/fairfax-county/w-od-trail-suspect-is-undocumented-immigrant/article_b671a370-3536-11ed-b523-ab2ae9212772.html.

³ “Man arrested in Herndon for sexually attacking a woman on W&OD Trail: Police.” 2024. WJLA. November 25, 2024. <https://wjla.com/news/local/man-arrested-herndon-sexually-attacking-woman-wod-trail-police-washington-old-dominion-walking-running-rape-ferndale-avenue-grace-street-fairfax-county-dmv-crime-defile>.

⁴ Jasmine Hilton, “Man Convicted of Sex Assault Escaped Custody before Trial in Fairfax,” *Washington Post*, April 3, 2025, <https://www.washingtonpost.com/dc-md-va/2025/04/03/navarette-romero-trail-rane-escape-fairfax/>.

November 2024, days after his release from jail for another sex crime, Navarette Romero allegedly abducted and raped a woman along a walking trail.⁵

- d. **Wilmer Osmany Ramos Giron**, a Guatemalan national, had been previously removed and convicted of federal firearms charges. Despite his history of domestic abuse, when Ramos Giron strangled and threatened his children's mother with a knife in 2025, FCCOCA offered the defendant (who was eligible for more than 15 years in state prison) a plea deal for a misdemeanor two months' incarceration in the local jail, which does not cooperate with ICE.⁶ After his release, it took ICE over two months to apprehend Ramos Giron.⁷

Other cases where the FCCOCA has apparently offered preferential treatment include known gang-members, accused killers,⁸ and child rapists,⁹ as Descano's own website states: "Wherever possible, Steve will make charging and plea decisions that limit or avoid immigration consequences."¹⁰ The FCCOCA's first term report (2023) promised, "To improve community safety, promote confidentiality, and restore trust, employees of the OCA do not cooperate with ICE on civil deportation matters."¹¹

And FCCOCA often makes these preferential agreements over the vehement objections of victims.¹² Ramos Giron's victim publicly denied claims by FCCOCA that she agreed to the 'lenient' plea deal for her abuser.¹³ In a series of child rape cases, Fairfax County judges excoriated the prosecutor's office for its leniency and indifference to victims of illegal alien abusers – with one telling the juvenile victim, "your government failed you."¹⁴

⁵ Angela Woolsey, "Suspect in Herndon Rape Was Released from Jail Days Earlier, Sheriff's Office Says," *FFXnow*, November 21, 2024, <https://www.ffxnow.com/2024/11/21/suspect-in-herndon-rape-was-released-from-jail-days-earlier-sheriffs-office-says/>.

⁶ Nick Minock, "Man who is in the US illegally and allegedly raped a woman has long criminal history," *WJLA* (ABC 7 News), November 25, 2024, updated November 26, 2024, accessed December 22, 2025, <https://wila.com/news/local/virginia-crime-herndon-virginia-man-arrest-repeat-offender-sexual-assault-rape-case-denis-humberto-navarette-romero-united-states-immigration-deportation-ice-illegal-immigrant-migrant-washington-old-dominion-railroad-trail-investigation>.

⁷ Fairfax County Office of the Commonwealth's Attorney, *Report on the Office's Activities and Achievements* (Fairfax, VA: Fairfax County Government, 2024), <https://www.fairfaxcounty.gov/commonwealthattorney/sites/commonwealthattorney/files/Assets/Report%20Final%20Version.pdf>.

⁸ Nick Minock, "Fairfax County Refused Multiple ICE Detainers Linked to Man Who Is Now a Murder Suspect," *WJLA* (ABC 7 News), July 25, 2024, updated July 26, 2024, <https://wila.com/news/local/ice-immigration-dc-maryland-virginia-crime-detainers-fairfax-county-loudoun-arlington-police-investigation-illegal-noncitizens-undocumented-murder-suspect-maudin-anibal-kuzman-videz>.

⁹ "Alleged Rape and Undocumented Immigrant Crimes Raise Concern," *Fairfax Times* (Fairfax County section), n.d., https://www.fairfaxtimes.com/articles/alleged-rape-and-undocumented-immigrant-crimes-raise-concern/article_89b9b702-ac29-11ef-b68d-7c74f610643.htm.

¹⁰ Steve Descano, "Community," *SteveDescano.com*, accessed December 22, 2025, <https://stevedescano.com/community>.

¹¹ Fairfax County Office of the Commonwealth's Attorney, *Report on the Office's Activities and Achievements* (Fairfax, VA: Fairfax County Government, 2024), <https://www.fairfaxcounty.gov/commonwealthattorney/sites/commonwealthattorney/files/Assets/Report%20Final%20Version.pdf>.

¹² Virginia Office of the Attorney General (Jason S. Miyares), News Release (09/26/2025) referencing investigative report and DOJ referral: <https://www.oag.state.va.us/media-center/news-releases/2916-september-26-2025-attorney-general-jason-miyares-releases-report-detailing-misconduct-failures-and-constitutional-violations-by-fairfax-county-commonwealths-attorney-steve-descano>.

¹³ Nick Minock, "Victim Speaks Out after Fairfax County Plea Deal for Illegal Immigrant," *WJLA ABC 7 News*, March 2025, <https://wila.com/news/local/virginia-crime-fairfax-county-convictions-wilmer-osmany-ramos-giron-victim-interview-strangulation-charge-attorney-steve-descano-democrat-plea-deal-sentences-safety-court-documents-jason-miyares>.

¹⁴ Justin Jouvenal, "Va. Judge Tells Young Victim of Sex Abuse: 'Your Government Has Failed You,'" *Washington Post*, September 20, 2021, https://www.washingtonpost.com/local/public-safety/judge-zaldivar-sentence-abuse/2021/09/20/85258424-1a40-11ec-8380-5fbadb43ef8_story.html.

2. Applicable federal civil-rights authorities. The DOJ derives its authority to act in such circumstances from 34 U.S.C. §12601. Historically this authority has been exercised by first initiating a comprehensive investigation of the governmental authority believed to be engaged in a pattern or practice of conduct which deprives persons of rights, privileges, and immunities protected by the Constitution.

Based on publicly available information, there is more than sufficient evidence that FCCOCA has adopted formal policies and practices that enforce state and local statutes differently based, at least in part, on immigration status—a suspect classification – which violate the Equal Protection Clause of the Fourteenth Amendment.¹⁵ The policy memorandum promulgated by the FCCOCA on December 15, 2020, states:

Consideration of Immigration Consequences. ACAs shall consider immigration consequences where possible and where doing so accords with justice.

Although not outcome determinative, prosecutors shall consider: (i) the collateral immigration consequences of the specific crime(s) the defendant is charged with, and (ii) the detrimental impact that deportation/removal has on the families and communities those removed or deported leave behind. However, in some case, there will be significant limits as to what an ACA can do to avoid collateral immigration consequences. The weight accorded to potential adverse immigration consequences must be considered on a sliding scale. At one end of the scale, where the seriousness of the offense is significant and the harm to the victim is great, the weight accorded to potential adverse immigration consequences will be minimal. In a case where there is an act of violence and/or great harm done to a victim, the community's public safety interest in mitigating any future harm will likely outweigh other factors in the analysis. Conversely, where the offense is less serious and there is no identifiable victim, the ACA will have greater latitude in negotiating a resolution that takes adverse immigration consequences into account. The resolution will be different in a way that avoids or lessens the collateral immigration consequences, but will not be better than a resolution offered to a defendant that does not face such collateral issues. [pg. 10-11, bold author's]

Because state and local classifications based on immigration status are generally subject to strict scrutiny, a formal policy which prescribes violative conduct or a documented pattern of disparate charging, plea-offering, or sentencing recommendations against citizens, as compared with non-citizens, constitutes a sufficient legal predicate for a §12601 investigation and/or enforcement action to ensure non-discriminatory administration of the criminal justice system.

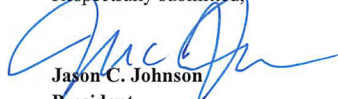
¹⁵ Fairfax County Office of the Commonwealth's Attorney, *Plea Bargaining, Charging Decisions, and Sentencing Policy* (Fairfax, VA: Fairfax County Government, 2024), <https://www.fairfaxcounty.gov/commonwealthattorney/sites/commonwealthattorney/files/Assets/Documents/Fairfax%20CWA%20-%20Plea%20Bargaining%2C%20Charging%20Decisions%2C%20and%20Sentencing%20Policy.pdf>

Although §12601 has most often been used to investigate and remedy violations by police agencies, there is clear precedent allowing the DOJ to exercise its statutory authority to remedy violations by district attorneys' offices. In 2012, DOJ launched an investigation into the Missoula County (Montana) Attorney's Office for its prosecutorial policies discriminating against victims of sex abuse. The parties entered into a Memorandum of Understanding (MOU) to ensure the prosecutor's compliance with federal law. Similarly, the DOJ launched an investigation and found civil rights violations by the Orange County (California) District Attorney's office.¹⁶

3. Requested action. I respectfully request that the Civil Rights Division open an investigation into whether the FCCOCA has engaged in a pattern or practice of violations, including misuse of official authority under color of law and discriminatory treatment of criminal defendants based upon the defendant's race, ethnicity, immigration status, or national origin, in violation of the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution.

Fairfax residents should not have to choose between safety and civil rights. An impartial federal investigation is necessary to determine whether these allegations reflect isolated errors or systemic deprivation of rights. Thank you for your prompt attention to this urgent matter.

Respectfully submitted,



Jason C. Johnson
President

¹⁶ LE Knowledge Lab, *Federal Interventions Dashboard*, accessed December 22, 2025, <https://leknelab.org/resources/federal-interventions-dashboard/>.



Victims Rights Reform Council
On Behalf of Cheryl Minter

April 21, 2026

Harmeet K. Dhillon
Assistant Attorney General for Civil Rights
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Via Electronic Submission and U.S. Mail

Re: Request for Civil Rights Division Investigation into a Pattern or Practice of Discriminatory Prosecutorial
Conduct by the Fairfax County Commonwealth's Attorney's Office

Dear Assistant Attorney General Dhillon:

On behalf of Cheryl Minter, mother of Stephanie Minter, the Victims Rights Reform Council writes to you to respectfully request an immediate investigation into whether the Fairfax County Commonwealth's Attorney's Office ("FCCOCA") under Steve Descano has engaged in a "pattern or practice" of conduct that deprives persons of rights, privileges, or immunities secured or protected by the Constitution and laws of the United States, in violation of 34 U.S.C. § 12601 and the Equal Protection Clause of the Fourteenth Amendment.

This complaint arises from the murder of Stephanie Minter, who was stabbed to death at a Fairfax County bus stop on February 23, 2026. The man charged with her murder, Abdul Jalloh, is an illegal immigrant and a repeat violent offender who, after receiving undue leniency from Steve Descano's office, continued to terrorize the community through acts of violence. Police issued repeated, explicit warnings to Descano's office that Jalloh would maim or "worse" again, yet he was released. Her murder was the direct result of discriminatory prosecutorial policies that favor illegal immigrants over law-abiding citizens and of agenda-driven negligence that returned a violent offender to the community again and again until he killed Stephanie.

The Department has the authority to act. Section 12601 authorizes the Attorney General to investigate a governmental authority that engages in a pattern or practice of conduct depriving persons of constitutional or federal statutory rights. The Department has exercised that authority with respect to prosecutors' offices before.

A prosecutor's office does not stand above federal civil-rights enforcement when its official policies produce unequal justice, endanger the public, and deny the equal protection of the laws.

Fairfax law enforcement repeatedly warned FCCOCA that Jalloh posed an escalating and grave danger. Those warnings matched Jalloh's actual history of violence. FCCOCA ignored them. Three months after the final warning, Stephanie Minter was dead.

County records and FOIA'd emails (attached as Appendix C) document that police urged prosecutors to keep Jalloh detained because he "has a history of stabbing community members," was "on probation during the most recent assault," had shown a "blatant disregard for human life," and remained "a danger to the community." A Fairfax police major later warned that Jalloh was a "repeat (and violent) felony offender," that his conduct was "becoming more violent and explosive," and that "it is not a question of if, but rather when he will maliciously wound (or worse) again." Police repeated that warning in November 2025. FCCOCA received direct notice that Jalloh would seriously injure or kill again if released.

County records also describe a years-long pattern of violence, including multiple stabbings, malicious-wounding cases, and other assaults. In 2023, Jalloh was convicted of malicious wounding and sentenced to seven years, with five years suspended. In May 2025, police again sought to keep him detained after another stabbing. In August 2025, while that case remained pending, he allegedly committed yet another malicious wounding after attacking an older man and stomping on his head. In November 2025, after his release, police again demanded answers as to why he was "out again so soon."

The outcome was the direct result of FCCOCA's official written policy requiring prosecutors to consider and mitigate immigration consequences in criminal case resolutions. Under the heading "Consideration of Immigration Consequences," the policy states that prosecutors "shall consider immigration consequences where possible and where doing so accords with justice." It directs prosecutors to consider "the collateral immigration consequences of the specific crime(s) the defendant is charged with" and "the detrimental impact that deportation/removal has on the families and communities those removed or deported leave behind." It further states that, in certain cases, prosecutors will negotiate a resolution that "avoids or lessens the collateral immigration consequences."

Steve Descano has publicly affirmed that policy, stating: "If two people commit the same crime, but only one's punishment includes deportation, that's a perversion of justice and not a reflection of the values of Fairfax County." That statement announces that FCCOCA will alter criminal outcomes to protect illegal immigrants from immigration consequences. It codifies illegal discrimination.

FCCOCA's policies and practices deny equal protection by treating similarly situated offenders differently based on immigration-related consequences. The public-safety injury is equally clear. FCCOCA repeatedly released a violent illegal immigrant after direct warnings from law enforcement that he was escalating and likely to attack again. That combination of discriminatory policy and deliberate inaction created a direct threat to public safety. Stephanie Minter paid for that threat with her life.

This matter warrants a full investigation into whether FCCOCA has engaged in a pattern or practice of unconstitutional and unlawful conduct, including discriminatory charging and plea practices based on immigration-related considerations; preferential treatment for illegal immigrants over native-born citizens and

other defendants not facing removal; deliberate indifference to known threats posed by repeat violent offenders; and systemic disregard of the rights and safety of victims and the public. The Civil Rights Division should obtain and review all relevant policies, training materials, plea and charging data, communications concerning immigration consequences, and communications concerning Abdul Jalloh and similarly situated offenders.

In addition to the constitutional concerns described above, there is substantial public interest in determining whether the policies and practices of the Fairfax County Commonwealth's Attorney's Office have been influenced, developed, or shaped in whole or in part by external non-governmental organizations ("NGOs") or advocacy groups.

The existence of a formal policy directing prosecutors to consider and mitigate immigration consequences—combined with public statements affirming that position—raises questions as to whether such policies were developed independently or in coordination with outside entities advocating for specific criminal justice outcomes.

Accordingly, this complaint respectfully requests that the Civil Rights Division investigate:

- The extent to which any NGOs, advocacy organizations, or third-party entities participated in drafting, advising on, or influencing FCCOCA policies, including those related to immigration consequences, charging decisions, plea agreements, or bail practices;
- All communications between FCCOCA personnel and such external organizations concerning prosecutorial policy, case handling, or criminal justice reform initiatives;
- Any training materials, manuals, guidance documents, seminars, or continuing legal education programs provided to FCCOCA prosecutors by outside organizations;
- Whether such external input contributed to policies or practices that resulted in the repeated release of violent offenders or the differential treatment of defendants based on immigration-related considerations.

Where prosecutorial decision-making may be influenced by entities outside of government, particularly in ways that affect public safety or the equal application of the law, federal review is warranted to ensure transparency, accountability, and compliance with constitutional obligations.

As the mother of Stephanie Minter, I believe that Commonwealth's Attorney Steve Descano has failed in his duties under both state and federal law to protect the citizens of Virginia and the United States. He is releasing numerous illegal immigrants who are not on any path to citizenship and who pose a grave danger to the people of this state and nation. The policies currently in place in our state are a profound disservice to its law-abiding citizens. Far too many people have been harmed or have lost their lives because illegal immigrants who commit the same crimes as U.S. citizens receive far less punishment. It appears that citizens are serving far more time and facing greater punishment for identical offenses than these illegal immigrants. Had I murdered someone, I would be serving a life sentence in prison. As citizens, we are not being adequately protected under our constitutional rights.

If not for these illegal and immoral policies, Stephanie would be alive today. My daughter died because Fairfax prosecutors chose ideology over safety, favoritism over equal justice, and leniency for an illegal immigrant over protection for innocent citizens. I ask you, as a grieving mother, to act now so that no other mothers have to bury their children.

The Victims Rights Reform Council and Cheryl Minter respectfully request that the Civil Rights Division open a full investigation under 34 U.S.C. § 12601 and the Equal Protection Clause. The Civil Rights Division should further investigate the extent of any external influence on FCCOCA policy and decision-making, including by obtaining and reviewing communications with non-governmental organizations, advocacy groups, and third-party entities; identifying any such organizations involved in shaping prosecutorial policies; and examining all related training materials, guidance documents, and policy frameworks provided to or adopted by FCCOCA.

Respectfully submitted,
Victims Rights Reform Council

By: _____

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Cheryl Minter
Individually and on Behalf of the Estate of Stephanie Minter

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

COMMONWEALTH OF VIRGINIA	)	CRIMINAL NUMBER FE-2024-69
VERSUS	)	
HYRUM BAQUEDANO RODRIGUEZ	)	INDICTMENT - ABDUCTION (COUNT I) and UNLAWFUL ENTRY (COUNT II)

MEMORANDUM OPINION AND ORDER REJECTING PLEA AGREEMENT

The matter came before the Court on May 24, 2024, for the Court to determine whether to accept or reject the Plea Agreement entered in the above-entitled matter and, if it accepted the Plea Agreement, to impose sentence. For the following reasons, the Court rejected the Plea Agreement. Based on the Court's rejection of the Plea Agreement, the Defendant withdrew his pleas of guilty, and the matter was set for status on June 21, 2024, at 9 a.m., to be heard by another judge of this Court. As required, this Court can have no further involvement in the case. See Rule 3A:8(c) of the Rules of the Supreme Court of Virginia.

The purpose of this Opinion and Order is to explain the Court's reasons for rejecting the Plea Agreement. See, generally, *United States v. Robertson*, 45 F.3d 1423, 1438 (10th Cir. 1995), *United States v. Miller*, 722 F.2d 562, 566 (9th Cir. 1983), and *United States v. Moore*, 916 F.2d 1131, 1135-36 (6th Cir. 1990). Although the Court articulated its reasons for rejecting the Plea Agreement at the hearing on May 24, 2024, the Court "speaks through its orders," *McBride v. Commonwealth*, 24 Va. App. 30, 35 (1997). It is particularly important in a matter this grave that the Court's Order reflect not only the Court's decision to reject the Plea Agreement, but *why* the Court decided as it did.

A circuit court in the Commonwealth is vested with the explicit authority to accept or reject any plea in which the parties have agreed to a specific sentence or otherwise constrained the court's sentencing discretion, see Va. R. Sup. Ct. 3A:8(c)(2). However, the respect due a coordinate branch of government, coupled with the recognition that the prosecutor is generally in the best position to assess the merits of a case, counsels the Court to exercise its authority with restraint and caution, and to take such action only in those cases where the Court concludes that to do otherwise would constitute an abdication of the Court's independent responsibility to act in the public interest.

This is just such a case.

Statement of Facts

The "Statement of Facts" provided by the Office of the Commonwealth's Attorney to the Probation Office reads as follows:

At approximately 4:13 a.m. on June 15, 2023, Officer Manrique Munoz of the Fairfax County Police Department responded to [victim's address] in Annandale, Virginia for a call regarding a burglary in progress. The caller, [victim's mother], advised that someone had broken into her apartment through her window and had attempted to take the victim, her four-year-old daughter, [victim's name].

Once on scene, Officer Manrique Munoz spoke with [victim's mother], who indicated that she and her daughter were sleeping in two different beds within the same bedroom on the night of the incident. [Victim's mother] stated that she was awakened by [victim] yelling in the living room. [Victim's mother] indicated that she ran towards [victim] and noticed the blinds of the window rustling as if somebody had moved them. [Victim's mother] indicated that she did not see anyone inside or outside. [Victim's mother] advised that [victim] indicated that a big man had grabbed her but gave no other description of the subject. [Victim's mother] stated that [victim] also indicated that the man grabbed her buttocks and shoulder. [Victim's mother] later informed Detective Isa Martin – who was ultimately assigned as the lead investigator in this case – that [victim] had immediately indicated to her that the individual had 'grabbed her through the living room.' During a forensic interview conducted with [victim] the following day, [victim] also disclosed that the individual picked her up by her torso and removed her from her bed.

In speaking with Officer Manrique Munoz on scene, [victim's mother] also indicated that the window was closed before she went to sleep with her daughter and that the blinds were down. [Victim] had no marks or bruises on her skin from the incident. Upon checking the apartment, Officer Manrique Munoz noticed a shoe print on a cushion in front of the window used as the point of entry and exit. Officer Manrique Munoz likewise noted wet shoe prints leading directly to [victim's] bed. Additionally, Officer Manrique Munoz identified a handprint on the window that was slightly smudged. Detectives Leach and Fortner from the Crime Scene Unit of the Fairfax County Police Department later responded to the scene and were able to lift latent prints from outside of the window in question, as well as a footprint located on the cushion of a couch.

On June 16, 2023, Detective Martin was notified that the thumb print lifted from the exterior frame of the victim's window and the partial palm print lifted from the interior frames of the victim's window were preliminarily identified as a match for the defendant, Hyrum Baquedano-Rodriguez. Additional analysis later confirmed that the thumb and palm prints were, in fact, a match for the defendant. Detective Martin subsequently obtained a recent arrest photo of the defendant and asked [victim's mother] and her two adult sons – [names] – if they recognized the individual in the photo [Victim's mother] and [one son] stated that they did not recognize the defendant, but [second son] immediately said he did. [Second son] stated that the defendant loitered in front of his building and in a vacant storage area located in the basement of their building. [Second son] stated that he

had observed the defendant using drugs in the neighborhood, as well as in the hallways of his building, on several occasions. [Victim's mother and both sons] all indicated that they had not interacted with the defendant, nor were they aware of him ever having been inside their apartment. Following that conversation with [victim's mother and both sons], Detective Martin sought warrants for the defendant, who was later apprehended by Officer Jenkins.

The Charges

The Defendant was arrested on June 17, 2023, on two warrants. One warrant charged the Defendant with Statutory Burglary, pursuant to Va. Code §18.2-90, specifically that "on or about 06/15/2023 [the accused] did unlawfully and feloniously in violation of Section 18.2-90, Code of Virginia: enter in the nighttime the dwelling house or adjoining occupied outhouse of [], a four year old with the intent to commit murder, rape, robbery, or arson" The other warrant charged the defendant with Abduction, with Intent to Defile, pursuant to Va. Code §18.2-48, specifically, that "on or about 06/15/2023 [the accused] did unlawfully and feloniously in violation of 18.2-48 Code of Virginia: abduct [], a 4 year old, with the intent to defile such person." The maximum period of active incarceration for the crime of Statutory Burglary is 20 years. The maximum period of active incarceration for the crime of Abduction, with Intent to Defile, is Life. Thus, the initial charges facing the Defendant carried a maximum period of potential active incarceration of Life + 20 years.

The initial Burglary charges were subsequently reduced upon motion of the Commonwealth in the General District Court. On November 20, 2023, the Burglary charge was initially amended from charging the Defendant with entering the victim's house with the intent to "commit murder, rape, robbery, or arson," pursuant to Va. Code §18.2-90, to entering the house with the intent to commit "a felony or any larceny therein," pursuant to Va. Code §18.2-89. On February 1, 2024, the charge was amended again, this time "by agreement of parties," from the felony of Burglary to the misdemeanor of Unlawful Entry, pursuant to Va. Code §18.2-121. The effect of the amendment was to reduce the maximum period of potential active incarceration from 20 years to 12 months.

The initial Abduction, with Intent to Defile, charges were also modified upon motion of the Commonwealth. On August 9, 2023, the Virginia Code section was changed from §18.2-48 to §18.2-47, and the words "with the intent to defile" were crossed out on the warrant. Significantly, the age of the abduction victim – a "4 year old" – remained in the warrant. The reason this is significant is that Va. Code §18.2-47 lists two potential punishments in Section C of the statute. Abduction "of a minor" remains a Class 2 felony, with a maximum potential imprisonment of Life. However, an abduction "for which no punishment is otherwise prescribed shall be punished as a Class 5 felony." A Class 5 felony carries a maximum period of potential active incarceration of ten years. Identifying the victim as a four-year-old in the warrant meant that the charge remained a potential Life offense.

That changed on February 20, 2024, the day of the Defendant's indictment. Although the Defendant was still charged with the felony of Abduction, the charging instrument no longer made any reference to the age of the victim, thus reducing the charge from a Class 2 felony (with a potential sentence of Life imprisonment) to a Class 5 felony (with a potential sentence of 10 years imprisonment). The Burglary charge, previously amended in the warrant to the misdemeanor of Unlawful Entry, remained as such in the indictment, and carried a potential incarceration sentence of 12 months in jail.

The Plea and Plea Agreement

On March 11, 2024, the Defendant entered guilty pleas to the felony of Abduction, in violation of Virginia Code §18.2-47, and the misdemeanor of Unlawful Entry, in violation of Virginia Code §18.2-121. The terms of the Plea Agreement read as follows:

The defendant shall plead guilty to and be found guilty of abduction and unlawful entry. The Commonwealth and defendant agree that the total period of active incarceration which the defendant may receive on the aforesaid charges shall be capped at two (2) years. As part of this agreement, the defendant shall also agree to the entry of a lifetime protective order on behalf of the victim, [victim's initials], and her family or household members. The defendant shall also agree to have no contact with [victim] and her family or household members. There are no additional agreements as to sentence, and the parties remain free to argue all other conditions of the sentence, including but not limited to: (1) the length of any period of active incarceration which the defendant may receive, up to and including the cap of two (2) years; (2) the length of any suspended period of incarceration the defendant may receive; (3) the length of any probation the defendant may receive; (4) the length of any good behavior term the defendant may receive; and (5) any additional terms or conditions of probation and/or the suspended sentence.

Commonwealth's "Rationale for the Plea"

An Assistant Commonwealth's Attorney ("ACA") provided this Court, by email on May 22, 2024, an excerpt from its case memo entitled "Rationale for the Plea". It reads as follows:

While the facts of this case are aggravating, there are multiple evidentiary challenges inherent in this case. The victim in this case, [name of victim], was only four years old at the time of the offense and described the defendant simply as a "big man." Neither her mother nor her brothers saw the defendant or the offense, and the case cannot rest on the ability of a four year old to be deemed competent to testify or her ability to identify the defendant. One of the victim's older brothers – [victim's brother] – misidentifies a person at the bus stop as the perpetrator, without having a description of the defendant from [victim] or her mother. DNA analysis – to include TrueAllele analysis – was conducted on the victim's nightgown, but the analysis was inconclusive. While the defendant thumb and palm print on the victim's window help to identify the defendant and clearly prove that the defendant was guilty of breaking into the victim's apartment, they are less helpful – in the absence of an ability by the victim to identify the defendant as the person who abducted her – in establishing the defendant as the person who committed the abduction, particularly given the results of the DNA analysis. For all of these reasons, the Commonwealth reached the instant agreement. It should be noted, however, that this Commonwealth was exceedingly clear that this resolution does not include any active investigations regarding the defendant (the defendant is a suspect in an active burglary investigation, which Detective Martin believed the detective on that case was waiting to charge until he had DNA / fingerprint results).

Victim Impact Statement

The Court received and reviewed a Victim Impact Statement provided by the mother of the victim. In her statement, the mother of the victim described the “life altering” impact of the Defendant’s crimes, including the terror that her child experienced when she was abducted, and the traumatic impact that the defendant’s crimes have had on this child since June of 2023. The child’s mother also described the profound impact that the crimes have had on her, as well as on other family members.

The May 24, 2024 Hearing

At the hearing on May 24, 2024, the Office of the Commonwealth’s Attorney argued for acceptance of the Plea Agreement:

From this Commonwealth [Attorney]’s perspective, when I look at the rationale and I look at the case more broadly what this Commonwealth [Attorney] sees is a concern of what happens if we go to trial and we lose. And I think that my colleague looked at this case and in her professional experience evaluated it and considered the chances of losing to be higher than she was comfortable with.

The Court asked the ACA – who was not the attorney who negotiated the Plea Agreement – for *her* assessment of the case: “My judgment of this case is that it’s triable. Frankly, if the Court were to reject the agreement, this Commonwealth stands ready, willing, and able to try it. However, I do see weaknesses inherent in this case.”

Defense counsel also argued in favor of the Court accepting the Plea Agreement. Counsel made three arguments:

First, defense counsel asked the Court to consider the fact that there is “an extremely unlikely chance that [the defendant] will be able to remain in this country.” Counsel suggested that this might give the Court “some assurances” or carry “some weight as far as the significance of the collateral consequences” to the defendant.

Second, defense counsel argued that the Court should also weigh the collateral consequence of the defendant being “a convicted felon,” having to register as a sex offender, and having to be on very “strict” probation.

Third, defense counsel argued that, while the case might be a “trialable” one, “I don’t think the chances of success for the Commonwealth were very high.”

Reasons for Rejecting the Plea Agreement

After giving the matter due consideration, reviewing case-related material¹, and hearing argument from counsel, the Court rejected the Plea Agreement. The Court based its decision on the following considerations:

First, the crimes of conviction are, as the Court stated during the hearing, a parent's "worst nightmare." The defendant broke into the victim's home in the middle of the night, entered the bedroom where mother and child were asleep, and tried to carry the child away. Fortunately, the defendant made it only as far as the living room, where the child's screaming apparently led the defendant to abandon his plan and flee.

Second, the Defendant comes before this Court with a deeply troubling record of unlawful conduct.² The Defendant has six prior misdemeanor convictions. Five of the six convictions began as felony charges, specifically two sex crimes involving minors and three burglaries. The prior convictions are as follows: (1) **Disorderly Conduct**, which was initially charged as "Indecent Liberties: Expose Genitals to Child" with Child Less than 15 Years of Age; (2) **Contributing to the Delinquency of a Minor**, which was also initially charged as "Indecent Liberties: Expose Genitals to Child" with Child less than 15 years of Age; (3) **Entering Property to Damage**, which was initially charged as Burglary; (4) A second **Entering Property to Damage**, which was also initially charged as Burglary; (5) A third **Entering Property to Damage**, which was also charged as Burglary; and (6) **Petit Larceny**.

Each of the crimes described above occurred in the last three years. The fact that these crimes occurred so recently is significant. It is evidence of the *present* danger posed by the Defendant. Nor have the sanctions imposed by the courts to date – including both jail time and probation – dissuaded the Defendant from committing further criminal acts. Indeed, the Defendant had not even completed his last term of probation when he committed the current offenses.

Third, the terms of the Plea Agreement precluded the Court from imposing any sentence of active incarceration greater than *two years*. That is less than one-fifth the amount of active incarceration the defendant would have faced had the Plea Agreement not imposed this limitation on the Court. True, the Court could have imposed additional periods of *suspended* incarceration – time that could be revoked in the event the Defendant committed new crimes while on probation – *but at what cost to new victims?* Beyond all other considerations, it is this restriction on the Court's sentencing authority that is the central reason for the Court's rejection of the Plea Agreement.

¹ Among the documents the Court has reviewed and considered are the following: (1) Contents of the Court file, including original charging documents, the indictment, and various other material; (2) Presentence Investigation Report, including the applicable Sentencing Guidelines; (3) Plea Agreements; (4) Defense Sentencing Memorandum; (5) Victim Impact Statement; (6) Objection to Victim Impact Statement; (7) Redacted Victim Impact Statement; (8) Commonwealth's "Rationale for the Plea" email; and (9) Additional emails related to the calculation of the Sentencing Guidelines.

² The Defendant's prior record and probation status is drawn from the Presentence Investigation Report.

This Court recognizes that prosecutors, and the courts in which they practice, have distinct and defined roles in the criminal justice system. Prosecutors decide who to prosecute, what charges to initiate, the nature and content of the indictment to present to a grand jury, and what, if any, plea agreements should be considered, offered, or accepted. As to any plea negotiations which might be undertaken by the Commonwealth and defense counsel, the Court is not only uninvolved in that process but *prohibited* from participation. See Va. R. Sup. Ct. 3A:8(c)(1)(C). However, when the parties have entered into a plea agreement that restricts the Court's sentencing discretion, the Court does have the authority and the responsibility to determine whether to accept or reject the agreement.

The crimes before the Court do not lie at the periphery of concern. Kidnapping a four-year-old child – stealing her from her bed in the middle of the night – is at the dead center of concern. A criminal justice system that cannot protect a four-year-old child in such circumstances is a failure. When the court system has tried without success to bring a defendant into compliance with the law, and when that defendant has committed a crime of such gravity that it can only be described as posing an existential threat to a child's life, the only goal of sentencing likely to protect the community is a lengthy period of incarceration. This Plea Agreement fell woefully short of that goal.³

Nor did the Court view the other terms of the Plea Agreement – such as entry of a protective order, or the obligation of “no contact” with the victim, or any period of probation the Court might impose – as reducing the danger posed by the defendant. Such terms are only meaningful and effective if the defendant actually obeys the obligations they impose; unfortunately, this defendant has demonstrated that he cannot be trusted to obey the law or obey the orders of a court.

Defense counsel makes the argument that the Court, in deciding whether to accept the Plea Agreement, should take some “assurances” from counsel's prediction that the Defendant is likely to be excluded from this country upon his release. There are multiple problems with this argument. First, while exclusion from the United States would be a significant collateral consequence of the Defendant's plea, the Court cannot simply assume it will occur -- especially given defense counsel's representation that the

³ In the Defendant's Sentencing Memorandum, the Defendant emphasized that the Sentencing Guidelines for this case are “probation/no incarceration or up to 6 months incarceration” and that since the Defendant has already served approximately nine months in jail, “[a] sentence of time-served would be well above the sentencing guidelines in this case and is appropriate.” *Defendant's Sentencing Memorandum*, at 6. Whatever merit this argument might have in connection with a sentencing determination, it has little persuasive force with regard to the determination whether to accept or reject a plea agreement. This is because the argument is circular: *The Plea Agreement makes sense because the cap exceeds the Sentencing Guidelines, but the reason the cap exceeds the Sentencing Guidelines is because of the Plea Agreement.* There are many factors that impact on the Sentencing Guidelines, but none is more significant than the offense of conviction. The charges in this case underwent fundamental change from the day of arrest to the day of plea. Some changes may have been due to the Commonwealth's assessment of the case independent of the potential for a plea, but it is reasonable to assume that the Commonwealth's decision to amend the Burglary felony to the Unlawful Entry misdemeanor was related to the Defendant's waiver of the Preliminary Hearing and signed statement of his intention to plead guilty, all of which occurred on February 1, 2024.

Defendant is in the United States pursuant to a lawful grant of political asylum. Second, exclusion from the United States is, in no respect, a panacea. It would essentially render meaningless the restrictions and requirements typically imposed on a probationer convicted of an offense that requires sex offender registration. This includes, and certainly is not limited to, sex offender registration itself, as well as sex offender treatment, GPS monitoring, substance abuse treatment if necessary, travel restrictions, and all the other requirements of probation supervision. Essentially, the Defendant will be physically free to do as he wishes, relieved of any constraints imposed upon him arising out of his convictions.

Against all of the foregoing, the Commonwealth makes one real argument: *They might lose if the case were to go to trial.* That is, of course, true. Litigation risk is always a concern in plea negotiations and plea agreements. But when the Commonwealth's principal rationale in support of a plea agreement is the risk of losing at trial, it is incumbent on the Court to give this rationale careful examination. The Court finds several of the Commonwealth's justifications to simply be inexplicable and certainly not persuasive.

First, the Commonwealth acknowledges that the presence of the defendant's thumb and palm print on the victim's window "clearly prove that the defendant was guilty of breaking into the victim's apartment." In other words, the Commonwealth acknowledges that there is essentially *no litigation risk* associated with the felony Burglary charge.

Second, the Commonwealth argues that "the case cannot rest on the ability of a four-year-old to be deemed competent to testify." It is certainly true that a court would need to make a determination of competency before the victim – who would presumably be at least five-years-old at the time of trial – would be permitted to testify.⁴ But there is no reason to assume that the victim would be found

⁴ The competency of a child witness is determined as of the date the child is offered as a witness, not the date of the events about which the child is called to testify. See *Cross v. Commonwealth*, 195 Va. 62, 64 (1953).

incompetent, and case law – in the Commonwealth of Virginia⁵, in other states⁶, in federal court⁷, and in the United States Supreme Court⁸ – certainly suggests otherwise.

Third, the Commonwealth argues that the victim will be unable to identify the Defendant as the person who abducted her, since she can only describe the individual as a “big man.” But why would it even be necessary for the victim to identify the Defendant when he has already been conclusively identified through forensic evidence as the person who broke into the victim’s apartment? The Commonwealth argues that the thumb print and palm print, while establishing that the Defendant broke into the apartment, are “less helpful” in “establishing the defendant as the person who committed the abduction.” Is the Commonwealth really concerned that the jury might think there were two break-ins that evening, one to abduct, and one for some other purpose? Moreover, to prove motive, opportunity, intent and even identity, the Commonwealth might well be able to seek the admission of “other crimes” evidence associated with

⁵ Virginia courts have determined that “a child is competent to testify if he or she possesses the capacity to observe, recollect, communicate events, and intelligently frame answers to the questions asked of him or her with a consciousness of a duty to speak the truth.” *Greenway v. Commonwealth*, 254 Va. 147, 153, 487 S.E.2d 224 (1997) (holding that allowing testimony of a twelve-year-old boy who did not have sufficient knowledge of the Defendant’s vehicle was harmless error); see also *Bynum v. Commonwealth*, 2013 Va. App. LEXIS 170 (Va. App. 2013) (finding a ten-year old competent to testify); see *Klevenz v. Commonwealth*, 2013 Va. App. LEXIS 45 (Va. App. 2013) (finding a four-year-old competent to testify); *Tinsley v. Johnson*, 2010 U.S. Dist. LEXIS 76117 (W.D.V.A. 2010) (finding an eight-year-old competent to testify); *Guzman-Soto v. Dir., Dep’t of Corr.*, 2010 U.S. Dist. LEXIS 18508 (E.D.V.A. 2010) (finding a ten-year-old competent to testify). In making a competency determination, Virginia courts “must consider the child’s age, his [or her] intelligence or lack of intelligence, and his [or her] sense of moral and legal responsibility.” *Greenway*, 254 Va. at 153 (quoting *Hepler v. Hepler*, 195 Va. 611, 619 (1954)).

⁶ See, e.g., *Rivet v. State*, 556 So. 2d 521 (Fla. 5th DCA 1990) (4 1/2 -year-old alleged victim competent to testify in sexual battery prosecution; holding that “[T]he established law of this state is that if an infant witness has sufficient intelligence to receive a just impression of the facts about which he or she is to testify and has sufficient capacity to relate them correctly, and appreciates the need to tell the truth, the infant should be permitted to testify.”); *Leon v. State*, 498 So. 2d 680 (Fla. 3d DCA 1986) (5-year-old alleged victim competent to testify in sexual battery prosecution); *Bradburn v. Peacock*, 135 Cal. App. 2d 161, 164 (1955) (“[B]ut in view of the many cases in this state which have upheld the trial judge’s discretion in allowing 5-year-old children to testify we must hold that in arbitrarily refusing to permit this 5-year-old to testify without a voir dire examination the trial judge abused his discretion.”); *People v. Trippell*, 7 Cal. 2d 612 (1936); *People v. Allen*, 131 Cal. App. 2d 72 (1955); *People v. Root*, 112 Cal. App. 2d 122 (1952); *People v. Norred*, 110 Cal. App. 2d 492 (1952); *People v. Goff*, 100 Cal. App. 2d 166 (1950); *People v. Terry*, 99 Cal. App. 2d 579 (1950); and *People v. Manuel*, 94 Cal. App. 2d 20 (1949).

⁷ See *United States v. Allen J.*, 127 F.3d 1292, 1296 (10th Cir. 1997) (“Over one hundred years ago, the Supreme Court held it was proper for a five-year-old to give critical testimony in a capital case... Since that time, the trend in the law has been to grant trial courts even greater leeway in deciding if a witness is competent to testify.”)

⁸ See *Wheeler v. United States*, 159 U.S. 523, 524-525 (1895).

five of the Defendant's prior convictions, specifically those that began as Burglary or Indecent Liberties charges. *See* Virginia Rules of Evidence 2:404(b).

There are litigation risks in nearly all cases, and the Court does not doubt their presence in the instant case as well. But the Court was not persuaded that any of the litigation risks in this case were so momentous or overwhelming that it warranted acceptance of a plea agreement that was this profoundly inadequate in light of the crimes the Defendant committed and the danger he poses, and likely will continue to pose.

It is for these reasons that the Court rejected the Plea Agreement. The matter is set for status before another judge of this court at 9:00 a.m., on June 21, 2024.

SO ORDERED, this 30 day of May, 2024.



JUDGE RANDY I. BELLOWS

From: Sands, Jenna <Jennifer.Sands@fairfaxcounty.gov>
Sent: Wednesday, June 11, 2025 10:07 AM EDT
To: Curry, James R. <James.Curry@fairfaxcounty.gov>
Subject: Re: Bond alert for Jalloh, Abdul
 Sorry—emailed without reading!!

Jenna Sands
 Deputy Commonwealth's Attorney
 Fairfax County
 4110 Chain Bridge Road, Suite 114
 Fairfax, VA 22030
 o. 703-246-2776
 c. [REDACTED]

From: Sands, Jenna <Jennifer.Sands@fairfaxcounty.gov>
Sent: Wednesday, June 11, 2025 10:06:14 AM
To: Curry, James R. <James.Curry@fairfaxcounty.gov>
Subject: Re: Bond alert for Jalloh, Abdul

Disregard, Mr. Jalloh is still in Jail.

Jenna Sands
 Deputy Commonwealth's Attorney
 Fairfax County
 4110 Chain Bridge Road, Suite 114
 Fairfax, VA 22030
 o. 703-246-2776
 c. [REDACTED]

From: Curry, James R. <James.Curry@fairfaxcounty.gov>
Sent: Wednesday, June 11, 2025 10:00:37 AM
To: Sands, Jenna <Jennifer.Sands@fairfaxcounty.gov>
Cc: Bailey, Kent <Kent.Bailey@fairfaxcounty.gov>
Subject: Re: Bond alert for Jalloh, Abdul

We had the same thoughts; he is still incarcerated.

Jim

Captain James Curry
 Criminal Investigations Division
 Fairfax County Police Department
 12099 Government Center Pkwy, VA
 Follow us @FairfaxCountyPD

From: Sands, Jenna <Jennifer.Sands@fairfaxcounty.gov>
Sent: Wednesday, June 11, 2025 9:59 AM
To: Curry, James R. <James.Curry@fairfaxcounty.gov>
Subject: Re: Bond alert for Jalloh, Abdul

Hi James,
 Has anyone looked at Jalloh for yesterday's Rte 1 stabbing homicide?

Jenna Sands
 Deputy Commonwealth's Attorney
 Fairfax County
 4110 Chain Bridge Road, Suite 114
 Fairfax, VA 22030
 o. 703-246-2776
 c. [REDACTED]

From: Curry, James R. <James.Curry@fairfaxcounty.gov>
Sent: Monday, May 5, 2025 2:15:33 PM
To: Sands, Jenna <Jennifer.Sands@fairfaxcounty.gov>; Gill, Kelsey <Kelsey.Gill@fairfaxcounty.gov>; Clingan, Eric <Eric.Clingan@fairfaxcounty.gov>; Sprissler, Kelly <Kelly.Sprissler@fairfaxcounty.gov>
Cc: Heiser, Mary L <Mary.Heiser@fairfaxcounty.gov>; McClelland, Brian J. <Brian.McClelland@fairfaxcounty.gov>
Subject: Fw: Bond alert for Jalloh, Abdul

Good afternoon,

Please see the bond alert sent by Detective Buffington. The suspect has a history of stabbing community members and was on probation during the most recent assault. For those reasons and the reasons outlined in the document, we ask that you argue he continues to be held at the ADC.

Thank you,
Jim

Event Summary

On 05/04/2025 officers responded to [REDACTED] Sacramento Dr. for a stabbed person. When officers arrived on scene, they spoke to the victim. The Victim stated that last night when he was sleeping outside with his girlfriend, for an unknown reason, a subject known to him as "A.J." stabbed him in the leg. The Victim described the "A.J." as a B/M heavier build. Officers developed Abdul Jalloh as a suspect and it was confirmed by a photo of Jalloh shown to the Victim. Without hesitation, the Victim stated that Jallow was the person who stabbed him.

Jalloh has been charged with numerous Malicious woundings and been convicted of one in 2023 and currently out on probation for the aforementioned crime and living in an OAR provided motel room.

PRIOR POLICE INVOLVMENT

- I/LEADS: alerts for mental SU, knife on person, and ban letter; 178 involvements going [REDACTED] JALLOH is a known shoplifter and is often intoxicated/high and located w/narcotics on his person
- 2024-1050044 – 04/14/24, JALLOH stabbed [REDACTED] in the head after [REDACTED] attacked a female and stole her money
- 2024-1050027 – 04/14/24, prior to attacking [REDACTED] he stabbed a homeless VI in the head and upper body when he was sleeping in a bus stop, telling him, "get up, you can't sleep here"
- 2024-0870188 – 03/27/24, he admitted to having armed himself w/scissors
- 2024-0210092 – 01/21/24, he reported he was [REDACTED]
- 2023-0390070 – 02/08/23, he attacked an elderly man, took his phone, and stabbed him
- 2023-0180163 – 01/18/23, he stabbed VI in McDonald's
- 2018-2920024 – 10/19/18, VI said JALLOH choked her, stomped on and burned her chest, and raped her

CRIMINAL HISTORY

- 02/08/23 Malicious Wounding sentenced to 7 years- 5 suspended

COMMUNITY TIES

- He has lived in Virginia since he was 9.
- Lived in community provided housing/ shelters in the MTV. Area for years.

DANGER

This individual has a long history of stabbing community members and is currently on probation for doing that very thing. He has shown a blatant disregard for human life and is a danger to the community.

Offender held NO BOND on 05/05/25

Captain James Curry

Criminal Investigations Division
Fairfax County Police Department
12099 Government Center Pkwy, VA
Follow us @FairfaxCountyPD

From: McClelland, Brian J. <Brian.McClelland@fairfaxcounty.gov>
Sent: Monday, May 5, 2025 1:53 PM
To: Curry, James R. <James.Curry@fairfaxcounty.gov>
Cc: Heiser, Mary L <Mary.Heiser@fairfaxcounty.gov>
Subject: Fwd: Bond alert for Jalloh, abdul

Bond alert sent for Jalloh
Sent from iPhone

Begin forwarded message:

From: "Buffington, John" <John.Buffington@fairfaxcounty.gov>
Date: May 5, 2025 at 12:03:24 EDT
To: OCWA-GDC <OCWA-GDC@fairfaxcounty.gov>, FCPD-MCB Commander <FCPD-MCBCommander@fairfaxcounty.gov>, JDRDC-GDC-ArrestmentOfficers <JDRDC-GDC-ArrestmentOfficers@fairfaxcounty.gov>, "McClelland, Brian J." <Brian.McClelland@fairfaxcounty.gov>, "Rivera, Sarai" <Sarai.Rivera@fairfaxcounty.gov>, "Melek, Jackie" <Jessica.Melek@fairfaxcounty.gov>
Subject: Bond alert for Jalloh, **abdul**

Bond alert for Jalloh, abdul. He was held NO bond on 5/5/25 by the magistrate.

Detective J. Buffington Jr. #4443
Fairfax County Police Department
Criminal Investigations- MT. Vernon District
Criminal Investigations, Cyber and Forensics Bureau
Desk-(703) 619-4303
Cell- [REDACTED]

From: Mauro, Jeff on behalf of Mauro, Jeff <Jeffrey.Mauro@fairfaxcounty.gov>
Sent: Wednesday, November 19, 2025 9:17 AM EST
To: Sands, Jenna <Jennifer.Sands@fairfaxcounty.gov>
Subject: Re: RELEASED: Abdul Jalloh

Jenna,

I have a meeting at 0930, but will call you after 1000 hrs.

Major J. Mauro | Fairfax County Police Department | Mt Vernon District Station | 703.360.8400

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From: Sands, Jenna <Jennifer.Sands@fairfaxcounty.gov>
Sent: Wednesday, November 19, 2025 08:56
To: Mauro, Jeff <Jeffrey.Mauro@fairfaxcounty.gov>
Subject: RE: RELEASED: Abdul Jalloh

I handled his malicious wounding charges personally. Happy to discuss. I'm available by phone this morning till 9:30 or after 10.

Jenna Sands
Chief Deputy Commonwealth's Attorney
Fairfax County
4110 Chain Bridge Road
Fairfax, VA 22030
O: 703.246.2776
C: [REDACTED]

From: Mauro, Jeff <Jeffrey.Mauro@fairfaxcounty.gov>
Sent: Tuesday, November 18, 2025 8:04 AM
To: Sands, Jenna <Jennifer.Sands@fairfaxcounty.gov>
Subject: Re: RELEASED: Abdul Jalloh

Jenna,

Good morning. I hope things are well.

I wanted to bring Mr. Abdul Jalloh's release last week to your attention. Mr. Jalloh is one of the repeat (and violent) felony offenders I expressed concern about when we met. He has an extensive criminal history—he has stabbed multiple people, sexually assaulted at least one woman, and committed numerous other criminal offenses. Furthermore, his behavior appears to be escalating and becoming more violent and explosive.

I wanted to please get your insights on why he is out again so soon and ask if his prior suspended sentence (of I believe 5 years) can be pursued by your office?

Unfortunately, based on MTV Station's numerous dealings with him, I am concerned that it is not a question of if, but rather when he will maliciously wound (or worse) again.

Appreciate your input.

Major J. Mauro | Fairfax County Police Department
Mt Vernon District Station | (703) 360-8400

<https://www.fairfaxcounty.gov/police>

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From: Jeffrey.Mauro@fairfaxcounty.gov <Jeffrey.Mauro@fairfaxcounty.gov>
Sent: Saturday, November 15, 2025 5:20 AM EST
To: Sands, Jenna <Jennifer.Sands@fairfaxcounty.gov>
Subject: Re: RELEASED: Abdul Jalloh

Jenna,

Good morning. I hope things are well.

I wanted to bring Mr. Abdul Jalloh's release this week to your attention. Mr. Jalloh is one of the repeat (and violent) felony offenders I expressed concern about when we met. He has an extensive criminal history—he has stabbed multiple people, sexually assaulted at least one woman, and committed numerous other criminal offenses. Furthermore, his behavior appears to be escalating and becoming more violent and explosive.

I wanted to please get your background on why he is out again so soon and ask if his prior suspended sentence (of I believe 5 years) was pursued by your office?

Unfortunately, based on MTV Station's numerous dealings with him, again I want to share my concern that it is not a question of if, but rather when he will maliciously wound (or worse) again. Unfortunately my concern came true after you and I last met with his last violent attack.

Appreciate your input.

Major J. Mauro | Fairfax County Police Department
Mt Vernon District Station | (703) 360-8400

<https://www.fairfaxcounty.gov/police>

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From: Levy, Rachel A. <Rachel.Levy@fairfaxcounty.gov>
Sent: Thursday, August 28, 2025 3:01 PM EDT
To: Wright, Brooke <Brooke.Wright@fairfaxcounty.gov>
Subject: Re: CID UPDATES: 08/21/2025 Midnight Shift
Attachment(s): "image001.png", "image002.jpg", "image003.jpg", "image004.png"
 I'm direct, I'll follow up with CID on him.

Rachel

Deputy Chief Rachel Levy
 Commander, Major Crimes Bureau
 Fairfax County Police Department
 12099 Government Center Pkwy
 Fairfax, VA 22035
 703-246-4251

On Aug 28, 2025, at 2:03 PM, Wright, Brooke <Brooke.Wright@fairfaxcounty.gov> wrote:

Awareness- this is the homeless guy who keeps assaulting/stabbing other homeless people who do not come to court.

Jenna and I had a specific conversation regarding them prosecuting without a victim in court for the stabbing given the circumstances and she was on board with a victimless prosecution.

Sent from my iPhone

Begin forwarded message:

From: "Cash, Richard" <Richard.Cash@fairfaxcounty.gov>
Date: August 28, 2025 at 12:26:03 PM EDT
To: "Wright, Brooke" <Brooke.Wright@fairfaxcounty.gov>
Subject: RE: CID UPDATES: 08/21/2025 Midnight Shift

Good afternoon,

The last stabbing from May is still working its way through the court system with an upcoming date of **September 30, 2025**. Listed below is the Bond Alert we sent in for this past stabbing to hopefully keep him incarcerated this time.

Subject: BOND ALERT: Abdul JALLOH
CASE NUMBER: 2025-2330223
DEFENDANT: Abdul JALLOH [REDACTED] 1993
CHARGES: Malicious Wounding, 18.2-51

VICTIM: [REDACTED]
LOCATION: 7849 Richmond Hwy, Alexandria VA 22306

EVENT SUMMARY

On August 21 at approximately 1936 hrs, officers were dispatched to a fight in progress at the Gum Springs Shopping Center located at 7849 Richmond Hwy. Officers arrived on scene and observed an older male (approximately 60 years of age), laying on the ground bleeding from facial injuries. The victim stated that JALLOH had approached him earlier in the day and asked

for money, the victim refused and JALLOH became upset. Later in the day (at the time of the call), JALLOH saw the victim again and began to physically assault him. JALLOH **punched** the victim in the face, **pushed** him to the ground, and **stomped** on his head. The victim had a black eye, laceration to his face, and his eye was completely swollen shut. The victim required multiple stitches to his face.

PRIOR POLICE INVOLVMENT

- JALLOH has had over 100 involvements with FCPD over the years, resulting in multiple charges and arrests, spanning from theft to violent crimes against persons
- JALLOH's offenses began with domestic violence incidents and escalated to assaulting other victims and threats with weapons (knives). He has been involved in multiple stabbing incidents with victims identifying him as the offender in these cases
- This year JALLOH has been the offender in a malicious wounding where he stabbed a man in **May 2025, in which he received a bond on July 31, 2025**— three weeks later, this incident occurred where he assaulted an older male and **stomped** his head into the ground

CRIMINAL HISTORY

- **1x convicted felon**
- 2014: Assault on family member (nolle prossed)
- 2015: Assault on family member (nolle prossed)
- **2017: ID theft to avoid arrest (guilty)**
- **2017: Assault (guilty)**
- **2018: Possession of Marijuana (guilty)**
- **2018: Destruction of property (guilty) (original charge: malicious shoot/throw occupied building)**
- 2018: Contribute to delinquency of a minor (nolle prossed)
- 2018: Rape (nolle prossed)
- 2018: Grand Larceny (nolle prossed)
- 2022: Trespass (nolle prossed)
- **2023: Trespass (guilty)**
- **2023: Disorderly conduct (guilty)**
- **2023: Drugs: possess sch III (guilty) – (original charge: possess sch I/II)**
- 2023: Malicious Wounding (nolle prossed)
- **2023: Malicious Wounding (guilty) – sentenced to 7 years with 5 years suspended**
- 2023: Steal property from person (nolle prossed)
- 2024: Petit larc (nolle prossed)
- 2024: Trespass (nolle prossed)
- 2024: Petit larc (nolle prossed)
- 2024: Disorderly conduct (nolle prossed)
- 2024: Malicious Wounding (nolle prossed)
- 2024: FTA (dismissed)
- **2025: Malicious Wounding – next court date September 30, 2025**

COMMUNITY TIES

- [REDACTED]
- JALLOH does not currently have a home address and was living at the Relax Inn (5963 Richmond Hwy, Alexandria VA) when he was released from the jail earlier this year

DANGER

JALLOH is currently homeless with extensive violent criminal history. His pattern of behavior shows escalating violence towards the community and community members. He has been involved in multiple malicious woundings where he has stabbed multiple people. At the time of his arrest, he had a knife on his person, although he did not use this knife during this assault, he clearly has no issue using the knife to stab another person, according to his pattern of behavior. He demonstrates a consistent pattern of retail theft, particularly targeting alcohol from ABC stores, 7-Elevens, and other retailers. Store employees frequently recognize him, and he has been banned from multiple commercial properties. His repeated violent and explosive

behavior has resulted in him being banned from numerous hotels and shelters.

JALLOH is already out on bond on another pending malicious wounding charge and in less than one month, has violently assaulted an older man resulting in permanent damage – he is clearly a danger to the community and his behavior clearly demonstrates that he is violent.

Let me know if you would like any further information on this guy.

Rich

Captain Richard L. Cash, VCLEE-CO
Assistant Commander, Criminal Investigations Division
 Major Crimes Bureau
 Fairfax County Police Department
 Cell: [REDACTED]

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 <image001.png>

<image002.jpg>

<image003.jpg>

<image004.png>

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From: Wright, Brooke <Brooke.Wright@fairfaxcounty.gov>
Sent: Tuesday, August 26, 2025 4:03 PM
To: Cash, Richard <Richard.Cash@fairfaxcounty.gov>
Subject: RE: CID UPDATES: 08/21/2025 Midnight Shift

Can you look at this guy's history and tell me what happened in court on the last stabbing he did?

[211 // ASSAULT - Aggravated // 7849 Richmond Hwy // Other // 19:32 hours // 20252330223 // E252332459](#)

SPECIALTY CONSULTED
 CICFB - CID2

Mount Vernon Officers responded to the listed location for a fight in progress. Officers quickly arrived on scene and were able to account for all individuals involved in the incident. It was determined that earlier in the day, the Offender had approached the Victim and asked for money. The victim declined the Offender's request. The Offender later saw the Victim in the parking lot of the Gum Springs Shopping Center and physically assaulted the Victim by punching him in the face and stomping on his head while he was laying on the ground. The Victim sustained a minor laceration to his head and had his right eye swollen shut. The Victim was transported to MTV Hospital NLT. WC2A was notified of the incident and a consult with the on-call CID supervisor was completed. The Offender did not want to speak to a detective. Patrol was able to handle the investigation without assistance, and the Offender was transported to the ADC where he was charged with Malicious Wounding and held on No Bond. INFO COPY: MTV CID, CM02, CM20

Offender: Jalloh, Abdul	Ethnicity:	Race:	Gender: Male	Age: 32	Birth Date:
	Non-Hispanic	Black/African American			[REDACTED] 1993

Address: No Fixed

Victim: [REDACTED]

- Asked victim for money earlier in the day
- Saw victim again and assaulted him
- Punched and stomped on the victim's head
 - Victim had cut on forehead and swollen eye
- Patrol quickly arrived and located ABDUL JALLOH and took him into custody
 - JALLOH refused to speak to a detective
- The Victim was alert and his injuries were not life threatening
- The Victim is [REDACTED]

- Transported to Mount Vernon Hospital
- Patrol advised that they were going to transport the offender to the ADC and handle the case.
- JALLOH was held on no bond and was charged on Malicious Wounding.
- INFO CID

Captain Richard L. Cash
Assistant Commander, Criminal Investigations Division
Major Crimes Bureau
Fairfax County Police Department
Cell: [REDACTED]

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[<image001.png>](#)

[<image002.jpg>](#)

[<image003.jpg>](#)

[<image004.png>](#)

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From: Jeffrey.Mauro@fairfaxcounty.gov <Jeffrey.Mauro@fairfaxcounty.gov>
Sent: Saturday, November 15, 2025 4:57 AM EST
To: Sands, Jenna <Jennifer.Sands@fairfaxcounty.gov>
Subject: Re: RELEASED TODAY: Abdul Jalloh
Jenna,

Good morning. I hope things are well.

I wanted to bring Mr. Jalloh's release to your attention, because Mr. Jalloh is one of the repeat (and violent) offenders we discussed when we met.

I wanted to get your background on why he is out so soon and ask if his prior suspended sentence (of I believe 5 years) was pursued by your office?

Unfortunately, based on MTV Station's numerous dealings with him, it is not a question of if, but rather when he will maliciously wound (or worse) again. My role of keeping the public safe, prompts me to follow up on his status.

Major J. Mauro | Fairfax County Police Department
Mt Vernon District Station | (703) 360-8400

<https://www.fairfaxcounty.gov/police>

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On Nov 14, 2025, at 18:03, Vandermast, Emily <Emily.Vandermast@fairfaxcounty.gov> wrote:

Good Evening MTV,

Abdul Jalloh was released from the ADC this evening at 1725 hrs (11/14/2025) after serving his sentence for a probation violation. Attached is a biosheet from our crime analyst, for those that are unfamiliar with Mr. Jalloh. Alerts for: **mental SU, knife on person, and ban letter.**

A quick synopsis of Mr. Jalloh's involvements with PD: He is homeless, extensive violent criminal history, his pattern of behavior shows escalating violence towards the community and community members. He has been involved in multiple malicious woundings where he has stabbed multiple people. At the time of his last arrest, he had a knife on his person. He demonstrates a consistent pattern of retail theft, particularly targeting alcohol from ABC stores, 7-Elevens, and other retailers. Store employees frequently recognize him, and he has been banned from multiple commercial properties. His repeated violent and explosive behavior has resulted in him being banned from numerous hotels and shelters.

The majority of his police involvements have been in MTV and he has no fixed address **Please use caution if you come in contact with him.**

Stay Safe!

Emily

Detective E. Vandermast
Fairfax County Police Department
Criminal Investigations Division
Mount Vernon District Station
2511 Parkers Ln
Alexandria, VA 22306
Office: 703-619-4307

<JALLOH_Abdul_032425.pdf>



OFFENDER BIO SHEET

Fairfax County Police Department



Full Name: Abdul JALLOH

Offender Alias: No known

Offender Nickname: AJ

Date of Birth: [REDACTED]/93

SSN: [REDACTED] **Language:** English

OL Number: [REDACTED] **State:** VA

Picture Date: 04/18/24

OL Status: UNLICENSED

SMTs: No known

Vehicle(s): None found

Last Known Address: No fixed address

HGT: 5'07" **WGT:** 150

Drug History ?	YES	Weapons History ?	YES
Gang Affiliation ?	None known	Convicted Felon ?	YES

Criminal History: VA: Mal Wounding, FTA, Dis. Conduct, Larceny, Trespass., Poss. SCH I/II, Rape, Occupied Bldg; Shoot/Throw, Cont. to Delin. of Minor, Poss. Marij., Assault, ID Theft; DC: Assault, Destruction of Property, Poss. Prohib. Weapon, Threats to Do Bodily Harm.

Frequented Locations:	MTV, MAS, Kennedy Shelter, Rising Hope Shelter, Bailey's Shelter.	Associates:	Other homeless individuals, no one person in particular
------------------------------	---	--------------------	---

Virginia Employment History: Most recent is Q3/2022: Chipotle (no location provided)

Additional Information & Photos:

I/L EADS: alerts for mental SU, knife on person, and ban letter; 178 involvements going [REDACTED] JALLOH is a known shoplifter and is often intoxicated/high and located w/narcotics on his person

2024-1050044 – 04/14/24, JALLOH stabbed [REDACTED] in the head after [REDACTED] attacked a female and stole her money

2024-1050027 – 04/14/24, prior to attacking [REDACTED] he stabbed a homeless VI in the head and upper body when he was sleeping in a bus stop, telling him, "get up, you can't sleep here"

2024-0870188 – 03/27/24, he admitted to having armed himself w/scissors

2024-0210092 – 01/21/24, he reported he was [REDACTED]

2023-0390070 – 02/08/23, he attacked an elderly man, took his phone, and stabbed him

2023-0180163 – 01/18/23, he stabbed VI in McDonald's

2018-2920024 – 10/19/18, VI said JALLOH choked her, stomped on and burned her chest, and raped her

[REDACTED]

Commonwealth of Virginia

STEVE DESCANO
COMMONWEALTH'S ATTORNEY

COUNTY OF FAIRFAX
4110 CHAIN BRIDGE ROAD, ROOM 114
FAIRFAX, VIRGINIA 22030-4047

COMMONWEALTH'S ATTORNEY PROCEDURE MEMORANDUM	
	Date: 12/15/2020
Policy Title: Guidelines for Plea Bargaining, Charging Decisions, and Sentencing	
Summary: This policy makes comprehensive changes to the way the Commonwealth's Attorney's Office negotiates pleas, makes charging decisions, and advocates for sentences to bring such practices in line with the values and needs of the community and reduce mass incarceration.	
Authorizing Signature: 	

INTRODUCTION, VALUES & MISSION

Thousands of community members have discussed their views on criminal justice with the Commonwealth's Attorney and the Commonwealth's Attorney's Office continues to meet with community members to hear their voices and concerns through the Justice Advisory Council, community events, and other avenues. The community's values are the values of this office. The mission of this office is to take these values, along with the needs of the community, and assimilate them into our criminal justice system. These values and needs must inform and guide the work this office performs.

The guidelines established herein will ensure that each Assistant Commonwealth's Attorney (ACA) actively negotiates, advocates for, and otherwise pursues outcomes that reflect these values, and that ACAs avoid practices that are in conflict with these values.

PLEA BARGAINING, CHARGING DECISIONS & SENTENCING

1. ACAs Shall Advocate for a Position in Every Case. It is the responsibility of each ACA to use the authority of their position to affirmatively advocate for outcomes that reflect the values of the community. When ACAs defer to the court, they surrender the authority the community has vested in the Commonwealth's Attorney to speak on their behalf. To be clear, this office should not abdicate its responsibility to affect an outcome or squander an opportunity to speak on behalf of the community it represents. Every time an ACA is given the opportunity to speak or take a position, the ACA shall do so. In no situation should an ACA simply defer to the court's discretion without taking a position as to the outcome of a case.

2. Permissible Sentencing Agreements. The goal of plea negotiations is to reach outcomes that accord with the community's needs and values. The Fairfax County Commonwealth's Attorney's Office's prior method of plea bargaining is an impediment to achieving these goals. Historically, it was the practice of this office to negotiate with respect to the number and/or nature of charges, but to refrain from making sentencing agreements. The new policy set forth below aims to give ACAs the tools to reach the appropriate outcomes. In addition to negotiating with respect to the number and/or nature of charges, the following sentencing agreements are permitted, provided they are consistent with the standards and requirements as set forth in other sections of this policy:¹
 - (a) Agreed upon sentences for a specific amount of active or entirely suspended jail time, which should also, if possible, specify the period for which the time is suspended, the length of active probation (if any), and any special terms or conditions of probation (if any);
 - (b) Agreed upon sentencing ranges;
 - (c) Agreed upon sentencing caps;
 - (d) Agreement only as to the number and nature of charges to which defendants plead guilty; and
 - (e) Agreement to accomplish a deferred disposition.

It is important that ACAs not use the tools granted via this policy to extract maximum punishment as opposed to reaching the correct and just outcome. In making plea agreements, ACAs must conduct a 360 degree analysis of each case and strive to reach the result that meets the needs of the community according to the community's values. ACAs must do this case-by-case analysis and avoid the standardization of plea offers over time that creates de facto mandatory minimums. Much as statutory mandatory minimums interfere with the process of fashioning appropriate outcomes based on the specific facts and circumstances of each case, these self-imposed de facto mandatory minimums have the same negative effect.

A. Sentencing Agreement Considerations.

It is important, in addition to all other considerations, to comply with the statutory obligations in Code Section 19.2-11.01 *et seq.* regarding victim's rights. The sentencing judge may inquire as to the Commonwealth's compliance with such obligations in deciding whether to accept or reject the agreed upon plea deal.

In all situations, ACAs shall advocate for an agreement made by the Commonwealth, even if the agreement was made by another ACA. In no situation shall an ACA use any language to distance themselves from an agreement made by another ACA or in any way signal to the court their personal

¹ Where an agreement is permitted under this policy, ACAs should make an agreement as opposed to a recommendation.

disagreement with a plea deal. This office operates as one unit and each ACA will support and advocate for the decisions of their peers.²

3. Prosecutors Must Strike All Floor Adjustment Mandatory Minimums in Plea Agreements and Endeavor to Negotiate Around Remaining Mandatory Minimums.

A. Mandatory Minimum Definitions.

A properly functioning criminal justice system allows actors to fashion appropriate outcomes in each case based on the specific facts and circumstances of the individual case. Legislatively mandated minimum jail sentences interfere with this process. The Virginia Code contains hundreds of mandatory minimums, each of which fall into one of three categories. The steps reasonably available to limit the negative effects of mandatory minimums depend on the category of mandatory minimum at issue. The three types of mandatory minimums are as follows:

(a) *Floor Adjustment Mandatory Minimum*: an offense that: (1) is an enhancement to another offense based on the presence of an additional factor; (2) the presence of the additional factor creates a mandatory minimum floor of punishment; and (3) the presence of the additional factor does not affect the upper range of permissible punishment.³

(b) *Altered Sentencing Range Mandatory Minimum*: an offense that: (1) contains an enhancement to another offense based on the presence of an additional factor; (2) the presence of the additional factor creates a mandatory minimum floor of punishment; and (3) the presence of the additional factor increases the upper range of permissible punishment.

(c) *Mandatory Minimum Principal Offense*: an offense that contains a mandatory minimum floor of punishment that is not the result of an enhancement to another offense based on the presence of an additional factor.

² For this reason, it is critically important that an ACA handling a plea or sentencing have a full and complete picture of why a particular sentencing agreement was made. Accordingly, for each felony case where the ACA makes a plea agreement, it shall be the responsibility of the ACA to do the following prior the date of the plea: (i) memorialize in the "Case Notes" section of ePros an explanation of why the plea agreement was made (incorporating all aspects considered in the 360 degree view of the case); (ii) place a copy of the printed note in the physical file, and (iii) prepare and upload the Guidelines to the "File Cabinet" in ePros, in PDF format, labeled as "Commonwealth's Guidelines," and place a copy of the printed Guidelines in the physical file.

³ For example, under Section 3.2-4212, it is unlawful for a merchant to sell cigarettes that are not listed in the directory of cigarettes approved by the Commonwealth for sale. A violation of this law is punishable by a range of punishment from 0 to 12 months. However, if the violation involves 3,000 or more packages of cigarettes, the sentence shall include a mandatory minimum term of confinement of 90 days. The law thereby creates a floor of active incarceration but does not change the upper limit of the sentencing range available.

B. ACAs Must Strike All Floor Adjustment Mandatory Minimums in Plea Agreements.

With respect to all Floor Adjustment Mandatory Minimums, ACAs must make plea offers that avoid the legislatively mandated minimum jail sentence.⁴ This can be done either by: (i) striking from the charging document reference to the additional factor that creates the mandatory minimum floor of punishment, (ii) amending the charge to a different code section, or (iii) where multiple charges exist or can be charged, offering a plea to the charge or charges that do not carry a mandatory minimum sentence - whichever the ACA deems appropriate in their discretion.

In such situations, ACAs are not prohibited from negotiating or advocating for active incarceration if such an outcome is in accord with the community's values and needs. However, an ACAs objective must not be to extract the maximum amount of incarceration as opposed to reaching the correct and just outcome. Moreover, in determining what outcome is just, the ACA's thought process should not be anchored by amount of time that would have been required by the mandatory minimum. The primary consideration in negotiating case resolutions must be the community's values and needs.

The community is best served by having the negotiation and sentencing process based around charges that do not contain mandatory minimum floors but offer the same upper range of punishment as the originally charged mandatory minimum offense. By removing the Floor Adjustment Mandatory Minimum, the system actors are free to shape an appropriate outcome based on the specific facts and circumstances of the individual case.

C. ACAs Must Endeavor to Negotiate Around Altered Sentencing Range Mandatory Minimums Where Appropriate.

With Altered Sentencing Range Mandatory Minimums, the mandatory minimum floor of punishment cannot be avoided without also foregoing the expanded sentencing range. Mandating that ACAs negotiate around this type of mandatory minimum in *all* cases is problematic because in *some* cases the lesser available sentencing range would not be sufficient for proper rehabilitation and supervision. ACAs shall consider whether the non-mandatory minimum version of such an offense, or an entirely different offense, is appropriate under the circumstances, but ACAs are not required to offer such a plea if the increased sentencing range is necessary. In making such a determination, ACAs should focus their analysis on the portion of the increased sentencing range that exceeds the sentencing range for the non-mandatory minimum version of the offense. If active or suspended time (or license suspension) in this portion of the range cannot be justified by the ACA on a case specific factual basis, the ACA shall offer a plea to the version of the offense without the mandatory minimum.

⁴ DUI and DWI offenses shall continue to be handled as provided for in Policy 20.006.

D. ACAs Must Endeavor to Negotiate Around Mandatory Minimum Principal Offenses Where Appropriate.

Given that Mandatory Minimum Principal Offenses contain a minimum floor of punishment that is encompassed within the principal offense, rather than as an enhancement, avoiding the imposition of the mandatory minimum requires the charging of an entirely different offense. In such situations, ACAs are strongly encouraged, but not required in every instance, to offer a plea to an alternative, non-mandatory minimum offense or, where multiple charges exist or can be charged, the ACA should consider offering a plea to the charge or charges that do not carry a mandatory minimum sentence.

4. Excessive Active Probation is Prohibited. The length of active probation should always be specifically tailored to the actual needs of the case. In each case, active probation length should be devised to serve a specific rehabilitative goal, community safety need, or other purpose. The length agreed to, or advocated for, should never be a "standard" or reflexive length. Further, the sole purpose of active probation must never be to construct a framework for someone to serve an extended jail sentence in increments that was not otherwise justified at the time of sentencing.

Excessive active probationary periods are often unnecessary. Most probation violations occur within the first year, suggesting that supervision beyond that point serves little or no rehabilitative purpose.⁵ Accordingly, absent an articulable, fact specific basis, ACAs should endeavor to keep active probationary periods to 12 months or less. This is a general policy position, not an absolute. Cases involving violence, sexual abuse, sexual assault, a lengthy restitution period, or extensive substance abuse rehabilitative needs are examples where a longer active probationary period may be justified.

5. Deferred Dispositions Shall be Considered in Appropriate Cases. Prior to January 1, 2020, office policy was that ACAs would not agree to deferred dispositions in circuit court, or any other court, unless there was specific statutory authority for the deferred disposition (for example, 18.2-251, 18.2-57.3, etc.). This policy ended on January 1, 2020. The Virginia Supreme Court⁶ and the Virginia Attorney General⁷ have both opined that when the Commonwealth's Attorney and defendant concur, a trial court has the inherent authority to defer disposition in a criminal case and consider dismissal when the defendant has complied with the established conditions. Additionally, during the 2020 Special Session, the Virginia Legislature passed, and the governor signed into a law, a

⁵ States that have shortened supervision periods have seen no resulting increase in crime or recidivism. See e.g., The Pew Charitable Trusts, "Missouri Policy Shortens Probation and Parole Terms, Protects Public Safety," August 2016, http://www.pewtrusts.org/-/media/assets/2016/08/missouri_policy_shortens_probation_and_parole_terms_protects_public_safety.pdf.

⁶ *Starrs v. Commonwealth*, 287 Va. 1 (2014); *Hernandez v. Commonwealth*, 281 Va. 222 (2011).

⁷ Va. Atty. Gen. Opinion No. 17-022, 2018 WL 6929179.

general deferred disposition statute that applies to all crimes and will take effect in March 2021.⁸ This new code section, 19.2-298.02, not only allows agreements to dismiss a case, but also allows agreements to reduce a charge from a felony to a misdemeanor once all conditions are met. Accordingly, ACAs shall consider deferred dispositions in any appropriate case, including felony cases in circuit court, where the goals of justice and rehabilitation can be accomplished, and the values and needs of the community can be served, without imposing the life-long consequences of a misdemeanor or felony conviction.⁹ In such cases, the ACA will accomplish the deferred disposition through an agreement rather than a recommendation.

An important part of Section 19.2-298.02 is the statutory ability of a defendant to expunge all or part of the matter after dismissal or reduction. Accordingly, no ACA shall propose or make any agreement where the ACA limits or prohibits a defendant's statutory right of expungement. Such an agreement would be contrary to the legislative intent behind the statute and the values and needs of the community.

6. ACAs Shall Dispose of Felony Charges as Misdemeanors Where Appropriate. In evaluating the nature of charge(s) to proceed with, whether for trial or a plea, if the disposition the ACA intends to advocate for can be accomplished with a misdemeanor conviction, and a misdemeanor appropriately reflects the alleged conduct, the ACA should consider proceeding with a misdemeanor charge. In other words, if the ACA does not intend to advocate for more than 12 months in jail (6 months to serve), and a misdemeanor is sufficient to achieve all other objectives, then the ACA should proceed with a misdemeanor.¹⁰
7. Mandatory Use of Alternative Sentencing. The Virginia Sentencing Commission utilizes the Nonviolent Risk Assessment Tool to enable the diversion of nonviolent defendants into alternative outcomes.¹¹ This tool, which is distinct from the Guidelines, but is calculated at the same time, is evidence-based and has proven to be effective in mitigating recidivism risk. This empirically-based

⁸ See Va. Code Section 19.2-298.02.

⁹ If an ACA would like to make such an agreement on a felony or a misdemeanor case that involves an identifiable victim of a violent offense (as defined footnote 11 of the Bond Policy dated December 7, 2020, Policy No. 20.013), the ACA must first discuss the matter with their supervising Senior Assistant Commonwealth's Attorney (SACA) and obtain the approval of the SACA. Once verbal approval is granted, and all statutory victim's rights (as noted in Section 2.D. above) have been complied with, the ACA should memorialize the approval and compliance in an email to the SACA. The ACA should then upload the email, in PDF format, with the file name "Authorization for Deferred Disposition" to the "File Cabinet" in ePros.

¹⁰ The sole rationale for proceeding with a felony should not be that the person "needs felony level probation." The head of District 29 Probation and Parole informed this office that there is no material difference in the intensity in supervision of, or services available to, those on probation for felony theft, drug, or other nonviolent offenses versus those on probation for similar misdemeanor offenses.

¹¹ In 1994, the General Assembly required the Virginia Criminal Sentencing Commission to develop an empirically-based risk-assessment instrument for use in diverting "lowest-risk, incarceration-bound, drug and property offenders" to non-prison sanctions.

risk assessment takes into consideration over 200 unique factors. Accordingly, the Guidelines calculation may recommend a period of active incarceration, but the defendant may simultaneously qualify for alternative punishment/sentencing under the Nonviolent Risk Assessment Tool. Alternative sentencing may be as straightforward as an entirely suspended jail sentence, but can include other things such as the Intensive Supervision Program, home electronic and telephone monitoring, day reporting, diversion, community service, and substance abuse treatment.¹²

If the Nonviolent Risk Assessment Tool indicates that a defendant is "Recommended for Alternative Punishment," the ACA shall advocate for an alternative punishment that does not involve incarceration (including incarceration in the Adult Detention Center) and may not make a plea agreement that requires a defendant to waive such alternative punishment. In the very rare instance where the ACA believes the facts of the case do not merit an alternative punishment, they must: (i) discuss the case and proposed sentencing request with their supervising SACA prior to the sentencing hearing or making the plea agreement, (ii) receive authority from the SACA to proceed as proposed (which will be granted only in the most compelling of circumstances), (iii) memorialize the authority in an email to their supervising SACA, and (iv) upload the email, in PDF format, with the file name "Authorization to Depart from Alternative Sentencing" to the "File Cabinet" in ePros prior to taking any action.

8. No Reflexive Reliance on the Virginia Sentencing Guidelines. In general, ACAs should not reflexively assume the Guidelines recommended sentence is appropriate. The Guidelines are based upon data from across the Commonwealth. In 2019, only 4.1% of this data came from Fairfax County cases.¹³ Accordingly, the Guidelines recommendation is not necessarily representative of the values and needs of the Fairfax County community. Therefore, ACAs are directed to consider whether a downward departure from the Guidelines' recommended sentence is appropriate and consistent with the values and needs of the Fairfax County community.
9. Charging Solely to Increase the Guidelines is Prohibited. The act of indicting or authorizing the charging of numerous counts solely to artificially increase the active time recommended by the Guidelines is prohibited. When the sentencing range on one offense covers the maximum sentence an ACA would ask the court to impose, the ACA should avoid indicting or authorizing additional counts solely to increase sentencing guidelines. However, an ACA may indict or authorize additional counts as needed to accurately reflect the number of victims, accuracy

¹² See Offender Risk Assessment in Virginia, p. 20-22, available at http://www.vcsc.virginia.gov/risk_off_rpt.pdf.

¹³ 2019 Virginia Sentencing Commission Annual Report, p. 12, figure 1, available at <http://www.vcsc.virginia.gov/2019VCSCAnnualReport.pdf>.

of the charges, or for other reasons.

10. Death Penalty is Prohibited. In no case will this office seek the death penalty.
11. Review of Requests for a Life Sentence and Decisions to Proceed with Charges Carrying a Mandatory Life Sentence. ACAs may not: (i) advocate for a life sentence at a sentencing hearing, (ii) certify at preliminary hearing an offense carrying a mandatory life sentence, or (iii) indict, or amend a charge to, an offense carrying a mandatory life sentence without first: (a) drafting a written memorandum fully and fairly describing the details of the case and why a life sentence is both appropriate and consistent with the values of the community, (b) providing the memorandum to the Deputy of Court Strategies (DCS), with a copy to the ACA's supervising SACA, (c) receiving the written approval of the DCS to proceed as requested, and (d) uploading both the written approval and memorandum, in PDF format, with the file name "Authorization for Life Sentence" to the "File Cabinet" in ePros prior to taking the proposed action.
12. Unfairly Coercive and Retaliatory Tactics are Prohibited. ACAs should never threaten an adverse consequence solely because a defendant elects to have a preliminary hearing, argue a motion, or exercise a statutory or constitutional right. It may be the case that an ACA's offer does not change or becomes more or less favorable after seeing the presentation of evidence at a preliminary hearing or motion, or that an ACA amends a charge or indicts additional charges to accurately reflect the facts of a case that is proceeding to trial, but an ACA should not threaten to bring additional charges, enhance charges, or nolle pros and direct indict a case¹⁴ solely to unfairly coerce or punish a defendant for a decision to exercise a constitutional or statutory right.
13. Prosecutors Will No Longer Act to Unilaterally Transfer Juveniles to Circuit Court for Treatment as Adults.

A. Background

Virginia Code Section 16.1-269 permits the transfer of a juvenile from juvenile court to circuit court for more severe treatment as an adult. As a general rule, a justice system should treat children as children. The transfer of a juvenile to circuit court should be exceedingly rare and done only under extreme circumstances. The unbridled and unilateral transfer of juvenile defendants by prosecutors from juvenile court to circuit court for handling as adults is in contravention of the values of the community and is prohibited.

In limited situations, as specified in Subsection B of 16.1-269, the Code

¹⁴ All direct indictments, including those that will accompany a charge or charges certified at preliminary hearing, must be approved, in advance of the grand jury, by the DCS.

mandates transfer of a juvenile to circuit court.¹⁵ However, in the vast majority of other cases a prosecutor is permitted to make this decision as an exercise of discretion. When a prosecutor exercises this discretion, the prosecutor can elect to proceed under Subsection A or Subsection C of Section 16.1-269. If a prosecutor proceeds under Subsection A, a juvenile court judge is involved in the decision-making process and ultimately determines whether it is proper for the juvenile to be transferred to circuit court. If the prosecutor elects to proceed under Subsection C, the prosecutor bypasses the judge and unilaterally causes the case to be transferred to circuit court. Historically, a prosecutor's office would seek to transfer a juvenile to circuit court for treatment as an adult unilaterally under Subsection C avoiding the transfer hearing and divesting the juvenile court judge of a role in the decision-making process.

B. Prosecutors Shall Not Unilaterally Proceed with the Automatic Transfer of a Juvenile to Circuit Court for Treatment as an Adult.

In all scenarios where the Virginia Code does not mandate transfer, an individual ACA shall not unilaterally determine that a juvenile is a not proper person to remain within the jurisdiction of the juvenile court. Doing so deprives all involved of the benefit of the study and report called for under Section 16.2-269.2, prepared by probation services in anticipation of a transfer hearing under Section 16.1-269.1(A). Accordingly, ACAs shall not proceed with automatic transfer pursuant to Section 16.2-269.1(C), thereby bypassing the hearing provided for by Section 16.1-269.1(A) under any circumstances.

The community is served by the juvenile court holding a transfer hearing wherein probation services, defense counsel, and the Commonwealth examine the background and history of a juvenile offender, and the availability and appropriateness of services, so as to allow for a proper determination as to whether the juvenile can be retained in the juvenile justice system long enough for effective treatment and rehabilitation. These decisions have lasting consequences and must not be taken without complete information and full and fair consideration.

In the rare case where an ACA determines it is appropriate to act under Section 16.2-269.1, the ACA must first obtain written approval and then proceed only under Subsection A. Before proceeding the ACA must: (i) draft a written memorandum fully and fairly describing the details of the case and addressing each of the factors in Section 16.1-269.1(A)(4)(a)-(j)¹⁶, (ii) provide the

¹⁵ A court is mandated by the Virginia Code to transfer a juvenile defendant to circuit court under Section 16.1-269.1(B) when: (1) the juvenile is 16 years of age or older and (2) is charged with murder under Sections 18.2-31, 18.2-32, or 18.2-40, or aggravated malicious wounding under Section 18.2-51.2.

¹⁶ Section 16.2-269.1(A)(4):

a. The juvenile's age;

b. The seriousness and number of alleged offenses, including (i) whether the alleged offense was committed in an aggressive, violent, premeditated, or willful manner; (ii) whether the alleged

memorandum to the DCS, with a copy to the ACA's supervising SACA, (iii) receive the written approval of the DCS to proceed as proposed, and (iv) upload both the written approval and memorandum, in PDF format, with the file name "JDR Certification Authorization" to the "File Cabinet" in ePros.

14. Consideration of Immigration Consequences. ACAs shall consider immigration consequences where possible and where doing so accords with justice. Although not outcome determinative, prosecutors shall consider: (i) the collateral immigration consequences of the specific crime(s) the defendant is charged with, and (ii) the detrimental impact that deportation/removal has on the families and communities those removed or deported leave behind.¹⁷ However, in some case, there will be significant limits as to what an ACA can do to avoid collateral immigration consequences. The weight accorded to potential adverse immigration consequences must be considered on a sliding scale. At one end of the scale, where the seriousness of the offense is significant and the harm to the victim is great, the weight accorded to potential adverse immigration consequences will be minimal. In a case where there is an act of violence and/or great harm done to a victim, the community's public safety interest in mitigating any future harm will likely outweigh other factors in the analysis. Conversely, where the offense is less serious and there is no identifiable victim, the ACA will

offense was against persons or property, with greater weight being given to offenses against persons, especially if death or bodily injury resulted; (iii) whether the maximum punishment for such an offense is greater than 20 years confinement if committed by an adult; (iv) whether the alleged offense involved the use of a firearm or other dangerous weapon by brandishing, threatening, displaying or otherwise employing such weapon; and (v) the nature of the juvenile's participation in the alleged offense;

c. Whether the juvenile can be retained in the juvenile justice system long enough for effective treatment and rehabilitation;

d. The appropriateness and availability of the services and dispositional alternatives in both the criminal justice and juvenile justice systems for dealing with the juvenile's problems;

e. The record and previous history of the juvenile in this or other jurisdictions, including (i) the number and nature of previous contacts with juvenile or circuit courts, (ii) the number and nature of prior periods of probation, (iii) the number and nature of prior commitments to juvenile correctional centers, (iv) the number and nature of previous residential and community-based treatments, (v) whether previous adjudications and commitments were for delinquent acts that involved the infliction of serious bodily injury, and (vi) whether the alleged offense is part of a repetitive pattern of similar adjudicated offenses;

f. Whether the juvenile has previously absconded from the legal custody of a juvenile correctional entity in this or any other jurisdiction;

g. The extent, if any, of the juvenile's degree of intellectual disability or mental illness;

h. The juvenile's school record and education;

i. The juvenile's mental and emotional maturity; and

j. The juvenile's physical condition and physical maturity.

¹⁷See e.g., The Effects of Deportation on Families and Communities, American Journal of Community Psychology, Volume 62:3, Issue 12, July 31, 2018, available at <https://onlinelibrary.wiley.com/doi/epdf/10.1002/ajcp.12256>.

have greater latitude in negotiating a resolution that takes adverse immigration consequences into account. The resolution will be different in a way that avoids or lessens the collateral immigration consequences, but will not be better than a resolution offered to a defendant that does not face such collateral issues.

As a predicate to any discussion or consideration of potential immigration consequences by an ACA, counsel for a defendant must first provide to the ACA a written and signed analysis on law firm letterhead: (i) identifying the potential adverse immigration consequence, (ii) setting forth a substantive analysis of the legal basis for the potential adverse immigration consequence (including appropriate citations to supporting statutes and case law), and (iii) identifying a suggested course of conduct that avoids the identified potential adverse immigration consequence with an accompanying substantive legal analysis.

15. Full Consideration of Mitigation Evidence and the Case. Any mitigation evidence presented should be given meaningful and thoughtful consideration. Mitigation evidence should be weighed against other case factors. Consideration should be given to the entirety of the case and the defendant, which will include, among other things, the nature of the offense, the prior conduct of the accused, the prior record of the accused, and the background of the accused, including any factors that may be root causes of the alleged criminal behavior such as underlying mental health or substance abuse issues. ACAs must take a thoughtful and holistic approach to the case and the underlying issues. In every case an ACA must be able to articulate how their decision reflects the values and needs of the community.
16. Proper Consideration of Prior Criminal Records. With respect to prior criminal records, it is critical to look at the entirety of someone's history. For example, an offense committed many years ago as a teenager does not weigh as heavily in the analysis as an offense committed more recently, or one committed shortly after being released from incarceration. Moreover, if an old offense, with no intervening criminal conduct, results in an unnecessary and substantial elevation of the Guidelines sentence, it is appropriate for the ACA to account for this in making a sentencing agreement or argument to the court.
17. Drug Possession. The focus of any case where the charge is simple drug possession, whether felony or misdemeanor, should be treatment. ACAs should encourage the treatment, not criminalization of addiction. This office rejects the argument that a person's recovery effort is helped by being made a convicted felon. The lifelong consequences of a felony conviction make overcoming addiction more difficult, not less.
18. Mental Health – ACAs should make use of the Mental Health Docket in all appropriate cases to encourage the treatment, not criminalization, of mental health issues. If an ACA believes a case is appropriate for the Mental Health Docket, the ACA should discuss the matter with their supervising SACA. If the

SACA agrees the case is appropriate for the docket, and the person qualifies for the Mental Health Docket, the approval should be memorialized in an email from the ACA to the SACA, with a copy to the ACA responsible for overseeing the Mental Health Docket. The ACA should then upload the email, in PDF format, with the file name "MH Docket Authorization" to the "File Cabinet" in ePros.

19. Veteran's Treatment Docket - ACAs should make use of the Veteran's Treatment Docket specialized treatment program in all appropriate cases, including appropriate felony cases, to divert veterans from the traditional criminal justice system and assist veterans suffering with addiction and/or mental health issues. If an ACA believes a case is appropriate for the Veteran's Treatment Docket, the ACA should discuss the matter with their supervising SACA. If the SACA agrees the case is appropriate for the docket, and the person qualifies for the Veteran's Treatment Docket, the approval should be memorialized in an email from the ACA to the SACA, with a copy to the ACA responsible for overseeing the Veteran's Treatment Docket. The ACA should then upload the email, in PDF format, with the file name "VT Docket Authorization" to the "File Cabinet" in ePros.
20. Creation of Standard Offers are Prohibited. This office does not have "standard offers" nor are ACAs permitted to develop their own "standard offer" for any type of case. Each offer should be specifically tailored to the facts and circumstances of the case.
21. No Individual Policies. ACAs cannot fulfill their mission to advocate for the values of the community when they develop their own individual or personal policies. Accordingly, this practice is prohibited with respect to any matter in this office, including those beyond the scope of the matters discussed herein. The only policies ACAs may implement, or be guided by, in any respect are the official policies established and adopted by this office.

NO GRANT OF ADDITIONAL RIGHTS

This policy, like all policies of the Fairfax County Commonwealth's Attorney's Office, provides only internal guidance, which may be modified, rescinded, or superseded any time without notice. This policy is not intended to, and may not, be relied upon to create any rights, expectations, privileges, or benefit to any individual enforceable at law in any administrative, civil, or criminal matter. This policy is not inviolable and may be deviated from as is deemed necessary by the Fairfax County Commonwealth's Attorney.

Mr. McCLINTOCK. Thank you for your testimony. We will finally hear from Ms. Cheryl Minter.

STATEMENT OF CHERYL MINTER

Ms. MINTER. Good morning to the Members of the Committee. I appreciate you granting me the time and space to speak. Thank you for your attendance.

My name is Cheryl Minter. I am the mother of Stephanie Nicole Minter. I would like to open today's subject, Stephanie Nicole Minter, with a poem.

Every good painting will take a million strokes. To make a good song, you have to go mining to find the perfect notes. And a castle is created stone by stone with patience and care, because great leaps come with small steps and time.

This poem comes from my favorite coffee cup, gifted to me by Stephanie. We would share a cup of coffee during the early mornings. We butted heads like every mother and daughter but wanted to actively take steps together to make our relationship better. We would share stories, memories, laughter, thoughts of the future, and more. This is something I will never get to experience again because of the failures of our justice system.

Stephanie was my daughter, my heart. She was a loving mother, a daughter, sister, an auntie, a friend, and a mentor. She believed in God. She cared for people. She showed up for others, even when was tired. Stephanie was my memory, since mine isn't that great anymore. She always knew the right Bible verse for any situation, always smiling, always joyful, always loved life, even through the bad times.

Stephanie was a woman who faced many battles in life. She always came out the other side of tough times with that bright smile on her face. That same smile is something I will never be able to see again a smile the world will never bear witness to again.

On February 24, 2026, I woke up to the worst call a parent can ever receive. My daughter was gone, taken in the most horrific way, while simply waiting for a bus in Fairfax County on the night of February 23, 2026.

No mother should have to stand here and say these words. No family should have to bury their child like this. Stephanie's life mattered. Her voice mattered. Her future mattered.

Today, I stand here because her life was taken in a way that should have never happened. The man who took my daughter's life should not have been free to walk the streets.

He had been picked up many times. He was known. There were warnings. There were emails sent saying he was a danger. Still, he was released.

I am not here for politics. I am here for accountability. I am here because a system failed my daughter.

If not for these failures, I could be sharing a cup of coffee with Stephanie this morning rather than speaking with you all today.

When policies protect people who are a known threat, innocent lives are put at risk. When warnings are ignored, families like mine pay the price. This is not just about Stephanie; this is about every mother, every parent, every child, and every person who

waits a bus stop, walks home, or goes to work trusting they will be safe.

We cannot ignore this. We cannot look away. Compassion should never come at the cost of public safety. Care for one group should not mean danger for another. We can be a community that is both caring and responsible. We can have policies that protect people and, also, keep our streets safe.

That means we must act. We must listen when there are warnings. We must take threats seriously. We must make sure that people who are dangerous are not released back into our neighborhoods.

I will carry my daughter's name for the rest of my life. I will carry her memory, but I should not have to carry this pain because of a preventable failure.

Stephanie deserved to come home that day. She deserved to watch her child grow. She deserved more time.

I am asking you, please do not let her story be ignored. Do not let another family stand where I am standing. Make changes. Take responsibility. Protect your community. Because no mother should ever have to wake up to this nightmare.

I'd like to read from Psalms 28:

Give them the punishment they so richly deserve! Measure it out in proportion to their wickedness. Pay them back for all their evil deeds. Give them a taste of what they have done to others. They care nothing for what the Lord has done or for what his hands have made. So, he will tear them down, and they will never be rebuilt.

Praise the Lord, for he has heard my cry for mercy. The Lord is my strength and my shield. I trust him with all my heart. He helps me, and my heart is filled with joy. I burst out in songs of thanksgiving. The Lord gives his people strength, for he is a safe fortress for his anointed king. Save your people! Bless Israel, your special possession. Lead them like a shepherd and carry them in your arms forever.

Thank you.

[The prepared statement of Ms. Minter follows:]

Testimony of Cheryl Minter

Good morning to the members of the committee. I appreciate you granting me the time and space to speak. Thank you for your attendance.

My name is Cheryl Minter.
I am the mother of Stephanie Nicole Minter.

I would like to open today's subject: Stephanie Nicole Minter, with a poem:

“Every good painting will take a million strokes.

To make a good song, you have to go mining to find the perfect notes.

And a castle is created stone by stone with patience and care, because great leaps come with small steps and time. “

This poem comes from my favorite coffee cup, gifted to me by Stephanie. We would share a cup of coffee during early mornings. We butted heads like every other mother-daughter, but wanted to actively take steps together to make our relationship better. We would share stories, memories, laughter, thoughts of the future, and more. This is something I will never get to experience again because of the failures of our justice system.

Stephanie was my daughter, my heart.
She was a loving mother, a daughter, sister an auntie, a friend, and a mentor.
She believed in God. She cared for people. She showed up for others, even when she was tired.
Stephanie was my memory, since mine isn't all that great anymore. She always knew the right bible verse for any situation. Always smiling, always joyful, and always loved life even through the bad times.

Stephanie was a woman who faced many battles in life. She always came out the other side of tough times with that bright smile on her face. That same smile is something I will never be able to see again. A smile the world will never be able to bear witness to again.

On February 24, 2026, I woke up to the worst call a parent can ever receive.
My daughter was gone.
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No mother should have to stand here and say these words.
No family should have to bury their child like this.

Stephanie's life mattered.
Her voice mattered.
Her future mattered.

And today, I stand here because her life was taken in a way that should have never happened.

The man who took my daughter's life should not have been free to walk the streets.
 He had been picked up many times.
 He was known.
 There were warnings.
 There were emails sent saying he was a danger.

And still, he was released.

I am not here for politics.
 I am here for accountability.
 I am here because a system failed my daughter.

If not for these failures, I could be sharing a cup of coffee with Stephanie this morning, rather than speaking with you all today.

When policies protect people who are a known threat, innocent lives are put at risk.
 When warnings are ignored, families like mine pay the price.

This is not just about my Stephanie.
 This is about every mother.

Every parent.
 Every child.
 Every person who waits at a bus stop, walks home, or goes to work, trusting they will be safe.

We cannot ignore this.
 We cannot look away.

Compassion should never come at the cost of public safety.
 Care for one group should not mean danger for another.

We can be a community that is both caring and responsible.
 We can have policies that protect people and also keep our streets safe.

But that means we must act.
 We must listen when there are warnings.
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 But I should not have to carry this pain because of preventable failure.

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 She deserved more time.

I am asking you, please do not let her story be ignored.
Do not let another family stand where I am standing.

Make changes.
Take responsibility.
Protect your community.

Because no mother should ever have to wake up to this nightmare.

Thank you.

Mr. McCLINTOCK. Thank you. We will now move to five-minute questions from Committee Members. We will start with Mr. Nehls.

Mr. NEHLS. Thank you, sir. I'm sorry, Ms. Minter. What a story, Stephanie; the numerous pictures we saw, beautiful.

I apologize for the individuals that have held onto these irresponsible policies, costing the lives of many, many innocent Americans. I apologize. Mr. Kennedy, I appreciate your passion. You are right on target. Mr. Descano well, Sheriff Kincaid, thank you for your service. Mr. Descano, I consider you a disgrace.

I yield the rest of the balance of time to my colleague, Mr. Cline.

Mr. CLINE. I thank the gentleman, and I thank the Chair for allowing me to sit on this panel today.

I represent the vast majority of Virginia citizens who stand with you, Ms. Minter, and who are so sorry for the tragedy that occurred, and our prayers are with you and with your daughter, who is in heaven looking down on this right now.

I heard your apology, Mr. Descano. I think the public would like to hear your resignation. Let me ask you, when Abdul Jalloh is released, will you honor an ICE detainer?

Mr. DESCANO. Sir, my office is a prosecuting office. We don't receive ICE detainers. That's not our business.

Mr. CLINE. Will you, Sheriff Kincaid, honor the ICE detainer?

Sheriff KINCAID. Well, thank you for that question. I would certainly hope that this case would be prosecuted and that justice would be served.

Certainly, when it comes to Mr. Jalloh, there haven't been an ICE detainers, with the exception of one time in 2018, which we turned him over to ICE, and then, the second time, which we had to release him to a facility. Each time he's been in my custody, there's been no detainers.

Mr. CLINE. If one comes, will you honor it?

Sheriff KINCAID. As long as I have the authority to do so, and ICE knows what our policy is.

Mr. CLINE. Then, yes?

Sheriff KINCAID. If I'm given a judicial warrant, yes.

Mr. CLINE. That's different.

Sheriff KINCAID. Well, it's what gives me the authority to detain somebody when I'm getting when I receive a court order from a judge mandating someone's release. I would also hope that ICE would know when Mr. Jalloh is getting released, so that they would be able to come and pick him up.

We do plan, should he get convicted, on taking him, driving him down to the Department of Corrections.

Mr. CLINE. All right. Well, Mr. Descano, your policy tells prosecutors to give lighter treatment to defendants based on their immigration status. Isn't that just discrimination with a sympathetic face? Why are you protecting criminal illegal aliens more than the people of Fairfax County, the citizens?

Mr. DESCANO. Well, first, sir, I think there's two things wrong with in the question that you asked me. We're not protecting undocumented individuals. As a matter of fact, we prosecute people who commit crimes in Fairfax County, regardless of their status. We and so the idea that we don't do that is simply wrong.

Our policies simply maintain that our role is to prosecute Virginia crime. That's what we do. ICE's role is to do Federal civil immigration enforcement.

Mr. CLINE. Mr. Miyares, do you disagree with that?

Mr. MIYARES. Fundamentally. He has a written policy to that effect. He is conflating two different issues. He's simply saying, "Well, I prosecute all crimes," at the same time he has a written policy saying that illegal immigrants are going to be treated and given preferential treatment differently from American citizens. On one hand, he sits in front of this Committee and says: We don't follow sanctuary policies. At the same time, he openly admits he conducts himself in a manner in which he does not cooperate with Federal immigration authorities. That's the very definition of sanctuary policies.

No, I fundamentally disagree with his assessment. There are 95 counties in Virginia, Congressman. Only one county with one prosecutor has a written policy saying: We're going to treat illegal immigrants differently than American citizens. It is Mr. Descano to my left, period, full stop.

Mr. CLINE. Well, I know that when ICE does work with localities, the system can work. I worked in Harrisonburg, Rockingham Commonwealth's Attorney's Office. They had a 287(g) agreement with ICE. When individuals who were prosecuted who were here illegally eventually served their sentences, they were met by ICE. They were retrieved by ICE and returned to their countries of origin.

The people of Rockingham and Harrisonburg benefited from that policy because the streets were safer, and people who Committed crimes were not returned to the Communities that they threatened prior to their arrest.

The people who are here from Fairfax, stand and answer the Ranking Member's question about well, I've run out of time. I hope I can get some more time because people who are working hard in Fairfax County deserve to not just feel safe, as the Ranking Member indicated, but actually are safe.

Mr. MCCLINTOCK. The gentleman's time has expired. Ms. Jayapal?

Ms. JAYAPAL. Thank you, Mr. Chair. Mr. Descano, there's been a lot said. I just want to ask you a few yes-or-no questions. Your office works with DHS regularly on criminal issues, just not civil immigration enforcement, is that correct?

Mr. DESCANO. That is correct.

Ms. JAYAPAL. If DHS came to you with a judicial warrant to take someone in your custody, would you comply?

Mr. DESCANO. Well, we don't hold people in custody, but we have worked with that department for criminal cases before, and we will continue to do so.

Ms. JAYAPAL. Do you arrest, prosecute, convict, and incarcerate individuals accused of crimes, regardless of immigration status?

Mr. DESCANO. Absolutely.

Ms. JAYAPAL. I just want to reiterate a couple of points. Again, yes or no. Is the crime rate in Fairfax County one of the lowest in the country?

Mr. DESCANO. Yes.

Ms. JAYAPAL. Is Fairfax County rated among the safest jurisdictions of its size by the Major City Chiefs Association?

Mr. DESCANO. Yes.

Ms. JAYAPAL. Given the ramp-up of illegal mass detentions and the attacks on legal immigration that Mr. Bier and others have spoken about, how has that played out on the ground for you? Are people in immigrant communities, communities of color, feeling safe to come forward and report crimes, testify?

Mr. DESCANO. No, they're absolutely not, and that, in fact, makes my job as a local prosecutor much harder. As I'm sure you're aware, when we do cases, we have to rely on the evidence. Most of the time, that evidence is through victim and witness testimony. We want our members of our community to come to court. When they're scared, as they currently are becoming more and more scared with what ICE is doing, they are more reluctant to come to court. When we don't have witnesses, that means, unfortunately, bad guys hit the streets again. As a prosecutor, that's what I don't want. That's what my trust policy is trying to avoid.

Ms. JAYAPAL. Thank you. Professor Stoever, I want to turn to you. Immigrant women experience domestic violence at rates nearly three times the national average and are often among the most vulnerable, because the fear of deportation can keep them trapped in these abusive situations. I have done a lot of work on this issue, as you know.

In your work, you have written about the importance of trust between immigrant communities and local law enforcement. When immigrant communities know that calling 911 will not result in deportation for themselves or a family member, they are more willing to report and help law enforcement solve crimes.

Can you discuss how local police working too closely with ICE can undermine that trust, and whether this Administration's aggressive immigration policies are making it harder for domestic violence survivors to come forward and seek help?

Ms. STOEVER. Yes, thank you for your work on this area. It absolutely undermines trust. When you have law enforcement, and that the line between law enforcement and immigration enforcement blurred, when you call the police, you don't know, when they show up at your door, are they there to help or to deport you. It's absolutely created a chilling effect and really suppressed people coming forward to get help, which then causes greater danger for the broader community.

I'll identify just one survivor quote from a survivor reaching out to a local service provider, who said her abuser would tell her, quote, "Look at the TV"—referring to the coverage of immigration raids and the rhetoric about immigrants, "see how no one cared about her."

This is really creating a very significant chilling effect for abuse survivors and continuing to escalate abuse.

Ms. JAYAPAL. I'm hearing a lot about that from survivors in my own district.

Mr. Bier, I want to thank you for all your research on Trump's attacks on the legal immigration system. He, of course, said he was going to go after "the worst of the worst," and that is, clearly, not what is happening.

Republicans want to force States and localities to comply with these mass deportation policies, and they want to threaten to cut billions in law enforcement, public safety, and national security funding to the jurisdictions that refuse to comply.

(1) Can the Federal Government force States and localities to do the Federal Government's job?

(2) Why is it not in the interest of the public and public safety to force local jurisdictions to do this?

Mr. BIER. Well, first, the 10th Amendment puts a firewall in place. We have a system of federalism. The Supreme Court has been quite clear on this. You cannot force State and local governments to do what you want. Congress' powers are limited. You can order the Federal agencies to do whatever you want; you cannot, as you know, as long as it comports with the Constitution, of course, but you cannot tell the States and local governments what to do.

You also cannot use your Federal grant-making authority as a backdoor to coerce States into doing what they want. The Republicans, and certainly myself and the Cato Institute, were quite happy in the Obamacare decision, where they said you can't force Medicaid expansion on States by denying all Medicaid to States that don't cooperate. That was a protection of federalism, and we should continue and defend the Federalist system of government from these attacks.

Mr. MCCLINTOCK. The gentlelady's time has expired.

Ms. JAYAPAL. Thank you.

Mr. MCCLINTOCK. Mr. Biggs?

Mr. BIGGS. Thank you, Mr. Chair. First, specifically, Ms. Minter, for being here today. It takes a great deal of courage, and I appreciate your being here.

I thought it was an interesting thing when we heard that Americans care about their microeconomy. Do you know what they really care about? Because if you have money and you are unsafe, it is like you don't have money. You need to be safe. That is what Americans really care about. First, you need to be safe. Americans want to be safe.

I thought it was interesting, too, when the Ranking Member said, "hey, stand up here if something to the gallery if you support immigrants," so that they are able to make 911 calls. I thought that was interesting. Everybody stood up, and then, a few sat down.

Do you know who can't stand up today? Do you know who is not here today? The victims of the crimes of those individuals that were released into the community, knowing that they had a propensity to commit these types of crimes. They're not here to answer for themselves.

That is why we have ostensibly, that is why you have the police agencies.

I thought I would tell you, do you know who is not here? Ms. Minter's wonderful daughter Stephanie. She's not here, because Abdul Jalloh was released.

A victim of Maldin Anibal Guzman who was killed is not here.

The victim of Marvin Fernando Morales-Ortez is not here. He was killed. He was killed. Released by these individuals.

Wilmer Osmany Ramos Giron, the victim of his strangulation is not here.

The victim of Jorge Armando Melendez-Gonzalez, charged 19 times for violent and firearm-related incidents, is not here. The victims cannot be here.

The victim of Hyrum Baquedano-Rodriguez the judge found what Mr. Descano's office, his plea agreement was so offensive, they rejected them. Then, a second judge rejected the plea offer. The victims there, they are not here today.

Denis Humberto Navarette Romero, again, and we could go on and we could name these victims who are not here because of the policies of this Fairfax County office.

With that, I'm going to yield two minutes, the last two minutes to my friend from Virginia, Mr. Cline.

Mr. CLINE. I thank the gentleman for yielding.

I want to get back to this idea that Fairfax is somehow a stand-out for keeping crime low. In fact, they are ranked No. 3 nationally by release volume out of sanctuary strongholds across the country that routinely disregard detention requests from ICE. Behind Santa Clara County's main pretrial holding facility in California and Chicago's Cook County jail in Illinois. The number of releases is third nationally. It is actually an embarrassment.

From October 2022–February 2025, the Fairfax County Adult Detention Center freed more than a thousand deportable illegal immigrants from lockup, in direct defiance of over 1,150 detainees lodged by ICE.

The people who the Ranking Member wants to feel safe in Fairfax, without worrying about whether they are actually safe, are scared to walk home, are scared to take the bus to work, or if they are staying in a part of Fairfax that is not the best part of Fairfax, that they are going to encounter a criminal that is on release from the Fairfax County Jail.

To Mr. Bier, Congress does have limited powers, but we do have the power of the purse. It becomes increasingly clear that, for those jurisdictions that are happy to take Federal tax dollars when it comes to COPS grants and I'm a supporter of COPS grants but when those jurisdictions are not actually implementing policies that create safe communities, that make maybe people feel safe because you talk about "feeling safe," but are you actually safe in your community? In Fairfax, arguably, no, I would say they are not.

Making those COPS dollars contingent on 287(g) agreements is very legal, is very possible. You can shake your head—

Mr. BIER. No, no, it's definitely not—

Mr. CLINE. I didn't ask you a question.

Mr. BIER. I mean, you can read.

Mr. CLINE. I didn't ask you a question.

Mr. BIER. Well, you—

Mr. CLINE. It is quite legal. The bill that I have introduced would do just that.

Mr. MCCLINTOCK. The gentleman's time has expired.

Mr. CLINE. I yield back.

Mr. MCCLINTOCK. The Chair recognizes Mr. Raskin.

Mr. RASKIN. Thank you, Mr. Chair. Did you want to address that, Mr. Bier?

Mr. BIER. Yes, really quickly. We have multiple appeals courts' decisions directly on the point of denying funding to jurisdictions based on the fact that they have Democratic leadership.

The point about the Medicaid expansion in the *Obamacare* case, it was directly related. It was healthcare spending that they were making contingent on expanding Medicaid. The Supreme Court said you cannot coerce States and localities to adopt Federal policy using money in this way.

There's no question it's unconstitutional for Congress to do this.

Mr. RASKIN. Then, that is the position anyone who is a real champion of federalism and States' rights would hold, which is what you can't do indirectly. You can't do it indirectly through the coercive use of money. You can't give a State a "godfather offer," which is, basically you do what we say or else.

Commonwealth's Attorney Descano, Sheriff Kincaid, I don't know if either of you can answer a few questions I have got.

It seems to me like the whole premise of this hearing is to blame you for the terrible murder and tragedy of Stephanie Minter.

Here's what I don't understand. The guy was being held for two years in 2018 and 2019 by ICE under the first Trump Administration. Why was he not deported then? Why did he end up back on the streets? Why didn't ICE release him? Can you tell me why, Mr. Descano? Do you know? Or Ms. Kincaid?

Sheriff KINCAID. Well, that's a good question, and that's something that I would refer to ICE on, because they did have him in custody. When he showed up back in our jurisdiction in 2022 we wondered the same.

Mr. RASKIN. Yes. It is just fascinating to me that we have got seven witnesses here, and somebody else who is not here, in addition to Stephanie, is ICE. ICE cannot account for well, I will get to you if I have got enough time.

That is baffling to me. That is puzzling. I have been asking about that for the last couple of days. Somebody said, "well, he was from Sierra Leone, and Sierra Leone didn't want to take him back." Of course, as we know, this Administration has no problem deporting people to third countries, third-party countries, removing them to third-party countries.

Why wasn't he removed by ICE? They are the only ones who have got the power to kick him out of the country. You don't have the power to deport him, do you, State's Attorney?

Mr. DESCANO. No, sir, I don't have the power, and quite frankly—

Mr. RASKIN. Yes.

Mr. DESCANO. —there's nothing in my policies, if somebody is deportable when they come to my office, there's nothing in my power to change that.

Mr. RASKIN. OK. Do you know exactly how many violent crimes he committed before he was in the custody of ICE? Because there were reports that he had committed a stabbing and some assaults.

Mr. DESCANO. I don't know the exact number, but there I believe there were multiple—

Mr. RASKIN. OK. ICE was aware. This guy is a violent criminal. They are holding him and they release him back on the streets. Then, you do your job, and your only job, which is to prosecute those offenses. You did that, right?

Mr. DESCANO. Yes, sir, and we got a multiyear jail sentence as well.

Mr. RASKIN. OK. Sheriff Kincaid, if I'm understanding you properly, ICE did not issue detainers when he was held for those offenses. They did once, and you complied with it. On the other ones, they didn't issue as I understand it, ICE didn't come forward with a detainer until after Stephanie Minter was killed. Is that right?

Sheriff KINCAID. A time before when we had to relocate this individual to a different facility. Other than that, there were no detainers at all.

Mr. RASKIN. OK. Again, I feel like we are in a courtroom in Fairfax County, Virginia, or in the Richmond legislature. Obviously, if somebody doesn't like the job that the sheriff is doing, if somebody doesn't like the job that the Commonwealth's Attorney is doing, run against them.

One of these sounded Mr. Kennedy, you sounded like a campaign speech you were making. You have got the right to run against them. Have you faced a reelection yet, Commonwealth—

Mr. DESCANO. Yes, sir, I won with 77 percent of my community's vote.

Mr. RASKIN. Are you elected, Sheriff Kincaid, or are you appointed?

Sheriff KINCAID. No, I'm elected.

Mr. RASKIN. Have you won reelection?

Sheriff KINCAID. Several times with the majority of the vote.

Mr. RASKIN. OK. I take it that all these issues, which are complicated, which are a result of the failure of Congress to actually engage in comprehensive immigration reform, are heavily debated in Fairfax County. We don't need to kick off your next reelection with debates here about your performance in office. That is beneath the dignity of this Committee to be telling local officials they should be defeated or should resign from office. That doesn't make sense to me.

Mr. Bier, what should Congress be doing to get us out of this constant immigration nightmare? We almost had a "Big Bipartisan Deal" at the end of 2024. Everybody in the Senate agreed to it. All the Democrats in the House agreed to it. Then, I think Donald Trump said, "I don't want a deal. I want an issue to run on." Is that right?

Mr. BIER. The bottom line is, as you said, we need—bipartisan immigration reform.

Mr. MCCLINTOCK. Excuse me. Mr. Bier, suspend for a moment. The gentleman's time has expired.

I will give you a very brief time to answer that question. You can also respond to it in later questions.

Mr. BIER. We need to get back to legality and orderly immigration. That means a process for people who are peaceful people to get legal status, and for people who are peaceful to come here legally. That's bipartisan immigration reform, in my opinion.

Mr. MCCLINTOCK. Chair Jordan?

Chair JORDAN. Thank you, Mr. Chair.

Mr. MCCLINTOCK. Oh, I'm sorry. I'm sorry. Let me, first, introduce Mr. Biggs for a unanimous consent request.

Mr. BIGGS. I'm sorry. Thank you, Mr. Chair. I'm sorry, Mr. Chair.

Here's a series of articles. I will just do a few of them, and then, give the whole stack to you:

(1) "Virginia Murder Suspect in Bus Stop Stabbing Had Lengthy Criminal History, Multiple Dropped Charges."

(2) Abdul Jalloh Allegedly Killed Stephanie Minter at Fairfax County Bus Shelter After Prosecutors Dropped Charges in Most Previous Cases. "Completely Failed Stephanie."

(3) "Illegal Alien with Lengthy Arrest Record Allegedly Butchers Woman at Virginia Bus Stop."

Then, there is a whole stack of others which I won't read, but will just submit for the record, if that's OK, Mr. Chair.

Mr. MCCLINTOCK. Without objection. Chair Jordan?

Chair JORDAN. Thank you. Sheriff, why did you let Marvin Morales-Ortez out of jail?

Sheriff KINCAID. Because I received a court order, a judicial order from a judge ordering his release.

Chair JORDAN. Because the guy beside you wouldn't prosecute him, right?

Sheriff KINCAID. You'd have to talk to him.

Chair JORDAN. This guy, the guy beside you, wouldn't prosecute the guy who was an illegal migrant who had been charged with six different crimes; who was arrested for murder in 2020; who, in 2023, assaulted a police officer, and who, in September 2025, was charged with aggravated malicious wounding and brandishing a gun. That guy is released; you can't hold him because he is not going to be prosecuted, is that right?

Sheriff KINCAID. I'm not sure about, you know—

Chair JORDAN. Well, that is what you told us. You sent us a letter on March 11, 2026, addressed to me and Chair McClintock. You said, "On December 16, 2025, the Commonwealth's Attorney moved to not prosecute the charges of aggravated malicious wounding and brandishing a firearm by Mr. Morales-Ortez." You had to let him out, didn't you?

Sheriff KINCAID. Through a court order by a judge, yes, I did.

Chair JORDAN. You had to let him out.

Sheriff KINCAID. I was ordered to release him by a judge.

Chair JORDAN. I see you have got some of your deputies behind. How is morale in your department, Sheriff? Is it good?

Sheriff KINCAID. I didn't know I was here to talk about morale, sir, but based on what I—

Chair JORDAN. You are here to answer the questions we ask you; that is what you are here for, yes.

Sheriff KINCAID. Of course, I am.

Chair JORDAN. OK.

Sheriff KINCAID. I'm also here to talk about what I was invited here to talk about.

Chair JORDAN. Well, I will refer you to a statement you made in August, "Fairfax County Sheriff Stacey Kincaid, a Democrat, also

told 7 *News* reporter Nick Minnick, 'It's shameful the way things have not been prosecuted.'" Do you stand by that statement?

Sheriff KINCAID. If that's what was written, I do.

Chair JORDAN. No, I'm not asking if that is what was written. I'm saying, did you say that and do you stand by that? Is that having an impact on morale?

Because most of the police departments I know, and sheriffs and deputies that I know, when they get the bad guys off the street, they like to see them prosecuted, so they don't come back on the street, harm the community you are supposed to protect, and make their job tougher, because they have got to go get them again when they commit some other crime.

That is why I asked the morale question, in light of your statement just a few months ago where you said it's shameful that the guy beside you is not prosecuting people.

Sheriff KINCAID. I did.

Chair JORDAN. You said that?

Sheriff KINCAID. I did.

Chair JORDAN. OK. Good. Mr. Descano, why did you change your website?

Mr. DESCANO. Sir, first, let me address what you said earlier.

Chair JORDAN. No, no, no. You answer the questions we ask. You answer the questions we ask. I asked a simple question. Why did you change your website last month?

Mr. DESCANO. Well, sir, your statement about we're not—don't want to prosecute guys is absolutely false. My policies so far in this hearing.

Chair JORDAN. I'm reading what you are saying what the sheriff wrote me is wrong?

Mr. DESCANO. No, what I'm saying is, that the way that my policies have been presented in this are outrageous.

Chair JORDAN. December 16th, you tell that she said, "The Commonwealth's Attorney" that's you chose not to prosecute Mr. Morales-Ortez, on December 16th, and they had to release him. They had to do their job. Because you wouldn't prosecute, what happened on December 17th, Mr. Descano?

Mr. DESCANO. Well, sir, let's talk about December 16th—

Chair JORDAN. No, no, that's the question. What happened on December 17th—

Mr. DESCANO. Well, sir, you got the nuanced—

Chair JORDAN. This guy murdered somebody. This guy murdered somebody. I'm asking you, why did you change your website?

Mr. DESCANO. Well, do you not want me to talk to you about the actual case?

Chair JORDAN. I want you to answer the first question I said.

Mr. DESCANO. Which was about the case, sir.

Chair JORDAN. Why did you change your website?

Mr. DESCANO. Well, sir, because the website is not my policy. My policy, you—

Chair JORDAN. I think the voters—

Mr. DESCANO. You are referring to a campaign web—

Chair JORDAN. I think the voters might be interested in that.

Mr. DESCANO. No, sir—

Chair JORDAN. This is your campaign website where you said, “Our office will take immigration consequences into account when making charging and plea decisions.”

Immigration consequences were certainly part of the game here, part of the issue here with Mr. Morales-Ortez.

Mr. DESCANO. No, they weren’t.

Chair JORDAN. You decided not to prosecute him.

Mr. DESCANO. They absolutely were not.

Chair JORDAN. You decided—

Mr. DESCANO. You are assuming something that is not—that is, in fact, untrue, because you are misrepresenting my policies. My policies do not say that we do not prosecute people because of their immigration status.

Chair JORDAN. Well, if you’re proud of your policies, why did you change your website?

Mr. DESCANO. Because that’s not my policy. As I told you, sir that is a campaign statement—

Chair JORDAN. Well, Mr. Descano—it had been up for six years.

Mr. DESCANO. —that I made before I was Commonwealth’s Attorney.

Chair JORDAN. A week after we send you a letter saying we want you to come to testify, shazam, you have changed it.

Mr. DESCANO. Because I could not—

Chair JORDAN. I’m just asking, is that coincidental?

Mr. DESCANO. Because I could not believe that somebody, that people were so obtuse that they could not realize what the difference between a campaign statement and an actual office policy is.

Chair JORDAN. When you make campaign statements, that’s not—those aren’t true? You’re not being honest with your voters?

Mr. DESCANO. That’s not what I’m saying at all, sir.

Chair JORDAN. It sure sounded like it.

Mr. DESCANO. What I am saying—

Chair JORDAN. It sure sounded like it.

Mr. DESCANO. It’s absolutely not. What I’m saying is that, when you—

Chair JORDAN. You still haven’t told me—

Mr. DESCANO. —write office policies—

Chair JORDAN. —why you took it—you still haven’t told me why you took it down.

Mr. DESCANO. Because I was hoping to come here to talk about my office policies, not be distracted by a campaign statement that was made—

Chair JORDAN. Not be distracted? This is—

Mr. DESCANO. —a year before I was actually Commonwealth’s Attorney—

Chair JORDAN. Attorney General, Attorney—

Mr. DESCANO. —and had any cases that were mine.

Chair JORDAN. This is almost laughable. This is your policy. You said it right here. You told the voters: If you elect me, I will take into account immigration consequences when making charging and pleading decisions.

Mr. DESCANO. This is my policy, not what you have in your hand.

Chair JORDAN. Oh, OK. What you said to the voters is not real? It doesn't count?

Mr. DESCANO. No, sir, what I'm saying is that, as an office holder—

Chair JORDAN. I just find it interesting—

Mr. DESCANO. —my office is run by my policy.

Chair JORDAN. Your sheriff said you wouldn't prosecute. This guy gets released; kills someone the next day. We started asking about it. You change your website and take down the statements that say you're going to take into account immigration consequences when you decide what—

Mr. DESCANO. Well, my policy is public—

Chair JORDAN. —when you decide what you are going to charge.

Mr. DESCANO. —and it has been public the entire time I've been in office, sir.

Mr. MCCLINTOCK. The gentleman's time has expired. Ms. Ross?

Ms. ROSS. Thank you, Mr. Chair. Thank you to the Ranking Member.

To our witnesses who—I know Mr. Bier has been here before. He is familiar with how this Committee rarely works on getting to the root of a problem and finding a bipartisan solution. I think this hearing is a perfect example of that.

To Ms. Minter, I am deeply, deeply sorry for your loss. No one this Committee, regardless of political party, wants criminals roaming the street, whether they are here illegally or whether they are U.S. citizens. What happened to your daughter is a travesty, and I am so, so sorry.

I also want to apologize to Sheriff Kincaid. This is Police Week. This is the week where we lift up what you and your team do to keep our communities safe. It is clear from your testimony that that is your sole focus. As the first person here to actually recognize that, I want to thank you for your service and I want to thank the officers that you brought along with you.

Sheriff KINCAID. Thank you.

Ms. ROSS. State and local law enforcement officers know how to do their jobs. You have to build trust with community members to do your job. You have to build trust with those members to get them to bring crimes to your attention and to get the evidence you need to prosecute people who have done things that are just horrible, like in the case of Ms. Minter.

Victims of crime also need to know that if they go to law enforcement to report a crime, they will not themselves be either detained or deported, or something happen to them. Otherwise, we won't be able to deal with people in a civil society.

I'm going to start with Mr. Bier because he is very experienced before this Committee. He has done a great deal of research on the topic of immigrants and crime.

Before President Trump came to office, were immigrants more or less likely to report crime and I'm not just talking about illegal immigrants; I'm talking about all immigrants, naturalized; people who are here legally more or less likely to report crime and cooperate with the police compared to U.S. citizens?

Mr. BIER. They were more likely, according to the Crime Victimization Survey, which is administered by the Department of Justice

every year, more likely to report crimes to the police than U.S.-born individuals. That also holds true for noncitizens who half of whom are in the country illegally at that time.

Ms. ROSS. Are immigrant victims of crimes, including those who have legal status and how are they treated when they report a crime or go to court to testify?

Mr. BIER. Well, right now, the Administration is targeting people who go to courthouses. They're arresting witnesses and victims of crimes. They're working with State and local jurisdictions that will cooperate with them to make arrests.

We've seen individuals for example, in Palm Beach, Florida, an individual called 911, a welfare check on his four-year-old daughter. ICE worked with the Florida police to arrest him after he called 911. He couldn't believe it; he was shocked that in America they would prioritize arresting someone based on effectively, he was an asylum seeker. He had an asylum application pending. It didn't matter. The ICE laughed at that because they don't consider that a basis to argue against detention anymore.

Ms. ROSS. My understanding is that, last year, ICE agents even tackled a rape survivor in a courthouse after she gave sworn testimony in a case against a rapist.

Mr. BIER. Correct.

Ms. ROSS. That has been widely reported. OK. Well, thank you for that.

I only have a few seconds left. I want to ask Professor Stoeve, have you seen situations where victims specifically declined to call the police because they feared immigration consequences for themselves or their family members; thus, allowing violent criminals to go free?

Ms. STOEVE. Yes, I absolutely have.

Ms. ROSS. Have you had those incidents when the criminal was a citizen of the United States?

Ms. STOEVE. Yes, actually, more often than not, when the actual abuse perpetrator is a citizen.

Ms. ROSS. That means citizens of the United States are not being prosecuted, is that correct?

Ms. STOEVE. Correct.

Ms. ROSS. Thank you, Mr. Chair. I yield back.

Mr. MCCLINTOCK. Mr. Van Drew?

Mr. VAN DREW. Thank you, Mr. Chair.

I want to bring this—the other side has brought us the “Bizarro World,” and I want to bring this to the world of reality.

First, I want to say to you, Ms. Minter—and I mean—I know you hear crocodile tears from politicians; you hear how sorry; you hear how sad; you hear the condolences. None of that does it justice. There are no words I can ever say. I say this every time we have another victim's family here. I pray to God there's a day when this no longer happens and we don't have to have these hearings.

We are going to have them with the good leadership of our Chair and this Committee, because it needs to be talked about. If it needs to be talked about over and over again, and good Americans like you are willing to be here, because you love your children, because you loved her, and you are willing to stand up, I applaud you.

Because more than a condolence, and more than any of that, is, when somebody says that to you, say, "Change the policy. Don't let it happen to somebody else." It shouldn't happen to anybody. God help you; I don't know how you do it, but we are praying for you.

Second, when I say I want to bring this out of "Bizarro World," I was thinking about all the empty, a lot of times, people gather around the kitchen table. Stephanie Minter's chair, that chair at the table is empty tonight; Laken Riley's chair is empty tonight; Rachel Morin's chair is empty tonight; and Jocelyn Nungaray's chair. They are all human beings. They are all human souls that have families that love them, and they love their family. They are gone.

We have got more than that. We could spend the whole time here reading lists of people who have been murdered, hurt, beaten, and raped because of what has happened and these policies. They are human beings.

Do you know what the worst of it is? Not the most important part, but on top of all it, we are paying for all this. Sanctuary States and sanctuary cities cost a fortune.

The State of New Jersey, where I am, they estimate and this is not me; this came out in publications \$7.3 billion not million billion every year because of sanctuary policies. That is a lot of money for people who are really squeezed. It is horrible and it shouldn't happen.

Also, I want to allude to the fact, you have people who are worried about, sometimes when ICE goes into where there is a church, where there is a department store, or there is a school nobody really wants that. Do you know why that is happening? It is happening predominantly in Blue States because the local law enforcement State, county, and local in sanctuary States are not allowed to cooperate, where normally they would turn somebody over to ICE, and you wouldn't have to go through that process. If we all cooperated and worked together and cared about the people we serve, we'd be in better shape.

Mr. Descano, a simple question. Are American communities safer when illegal immigrants who commit crimes are deported or when they remain in those communities? Are they safer when they are deported, the communities, yes or no? Just yes or no.

Mr. DESCANO. Well, sir, that's not—

Mr. VAN DREW. Yes or no. Yes or no? I'm asking the questions. You will give me the answer then.

Mr. DESCANO. I'm trying to answer them.

Mr. VAN DREW. No, you are—

Mr. DESCANO. Because you asked me a question—

Mr. VAN DREW. You have been—

Mr. DESCANO. —that's outside of my purview. I can tell you—

Mr. VAN DREW. Jim Jordan down there asked you questions. You are a human being. You are sitting next to a woman who lost her daughter. Can you tell me if illegal criminals are removed from the country, if we are safer?

Mr. DESCANO. To suggest that I don't care—

Mr. VAN DREW. No.

Mr. DESCANO. —about what happens in my community—

Mr. VAN DREW. Well, this is my time.

Mr. DESCANO. I go to work every day trying to protect my community.

Mr. VAN DREW. You are going to answer my questions. You are going to answer my questions. You don't show any discipline. When I'm asked questions, I answer them. you are not willing to answer that question? OK.

I ask you this question: Let's talk about Abdul Jalloh. Yes or no, would Stephanie Minter be alive today if he had been deported?

Do you know why he wasn't deported? Because, quite frankly, the Administration was not as aggressive, and if a country didn't want to accept these awful people that came from the country, we didn't know where to send them and we held them and we detained them. Now, we are finding places to send them, so that this doesn't go on.

That is the answer. That is why that happened. It is not a mystery. It is not something weird or unusual. They didn't know where the heck to put them. Now, we just do it and we get it done.

Nevertheless, would we be safer if he wasn't in the country then? Would we be safer, yes or no?

Mr. DESCANO. Sir, your—

Mr. VAN DREW. Yes or no, would it be safer if the man wasn't in the country?

Mr. DESCANO. Of course—

Mr. VAN DREW. Damn it, answer my question.

Mr. DESCANO. Sir, I'm trying. You keep changing the question.

Mr. VAN DREW. No, it is yes or no. There is a bad guy that murders people. Are we safer if he is not in the country?

Mr. DESCANO. Certainly, If somebody is—if some—

Mr. VAN DREW. No. You didn't answer the question. I'm sorry.

I will ask you this: Explain to the lady next to you. Abdul Jalloh was charged in your county more than 40 times, not four times, 40 times. Your office dropped the charges in almost every single case. That is fact. We have it documented. We can look at it.

Your own Fairfax County Police Department wrote your office we have it; it is fact May 2025 saying: He has shown a quote, "blatant disregard for human life" and was a danger to the community; and that if he wasn't detained and deported, he would seriously hurt someone or kill someone. The very man went out, and then, killed someone.

The question is, couldn't we have done better there?

Mr. MCCLINTOCK. The gentleman's—yes, the gentleman's time has expired.

Mr. VAN DREW. I know.

Mr. MCCLINTOCK. I will take that as a rhetorical question. Mr. Nadler is recognized.

Mr. NADLER. Thank you, Mr. Chair.

Mr. Chair, this Subcommittee has hardly been busy this year. Clearly, Republicans have no desire to conduct oversight of the Trump Administration's brutal and reckless campaign to strike fear in immigrant communities across the country. They don't want to draw more attention to an out-of-control Department of Homeland Security that lets masked agents murder American citizens and tear children away from their parents.

They can't manage to hold a hearing about ICE detention facilities that fail to meet the basic medical needs of detainees and have their highest death rates in decades.

They certainly have no interest in holding a hearing to justify the Republican plan to hand a \$70 billion blank check to the Trump Administration to advance its reckless, chaotic, and inhumane immigration policies, when it hasn't even spent most of the money we gave them in the Big Ugly Bill.

Instead, they have called us here to distract from the horrors unfolding in Trump's DHS and to focus on one county in Virginia that has chosen not to join the Trump Administration's extreme anti-immigrant agenda. They want to shine a spotlight on Fairfax County, one of the safest places in the country for a county of its size, because they think it is a good opportunity to engage in their favorite sport of fearmongering and demagoguery.

Mr. Descano, is there anything you have heard that you would like to respond to?

Mr. DESCANO. Yes. Thank you, Congressman. Just I think that my policies have been completely misrepresented by some people on the Committee and on this panel. My policies are prosecution policies that are meant to keep my community one of the safest large counties in the country.

Last, I'd like to really drive home the point that, when it comes to this Abdul Jalloh case, my policies are a red herring. ICE knew about this gentleman for at least eight years. The question of, if we would have been safer with him now here, yes, I wish ICE would have done its job in 2018 or 2019, when they had him.

The idea that my policies impacted many of these cases that are being talked about is simply a red herring and not true.

Mr. NADLER. Thank you. Mr. Bier, the Trump Administration claims that it is only going after the worst of the worst and targeting criminals. According to ICE's own data, the majority of immigrants they have detained have no criminal record. Is the Trump Administration really going after the worst of the worst?

Mr. BIER. No, not only do 72 percent not have a criminal conviction and only six percent have a violent criminal conviction, you look at how DHS internally is classifying its detainees. They have multiple threat levels, three different threat levels, and they actually deem 72 percent of the people, when they have to do it internally decide, OK, we need to actually rank these people and prioritize. Who do need to be detain? Seventy-two percent of the people entered and booked into ICE custody were not deemed a threat. It's according to their documents, their own analysis from the Department of Homeland Security under Secretary Noem, who put out this information.

No, they are not going after public safety threats. That's totally wrong. They're going after people going to work. They're racially profiling Americans, as I said. They're even arresting legal immigrants, and again, setting them up for arrest by not processing their applications.

Joseph Edlow, who is the head of USCIS, has a policy. They're just going to shut down processing of the vast majority of green cards. That results in people losing status and enables ICE to go

out and arrest them, legal immigrants being arrested because the Department of Homeland Security doesn't do its job.

Mr. NADLER. Professor Stoeve, do you have any recent examples where victims or witnesses of crimes were afraid to interact with law enforcement? What happened in those cases?

Ms. STOEVE. It's incredibly common now that there's just an absolute fear of interacting with law enforcement, and even seeking civil protection orders, the civil remedies. It's not only a fear of increasing.

What ends up happening if people aren't seeking help, then, also, I want to add to the conversation that benefits, public benefits, CHIP, SNAP, have been cutoff to legal immigrants and those who hold the temporary status. Really, what's happening is that the abuse is continuing and the people's financial security is weakening. What we have is greater crime.

Mr. NADLER. Thank you. Mr. Bier, can you explain why civil immigration detainers are unlawful under the Fourth Amendment?

Mr. BIER. Well, you can't hold someone unless you have probable cause and a court order. This is not—

Mr. MCCLINTOCK. Once again, the gentleman's time has expired. A brief response. You can pick it up on the next question.

Mr. BIER. There are multiple appeals court decisions on this. You cannot detain someone based on a civil detainer that's not based on a court order.

If Fairfax gets a court order, they will detain them, but without a judicial order, they don't have authority under the Constitution to detain people.

Mr. MCCLINTOCK. Thank you.

Mr. NADLER. Thank you, Mr. Chair. I yield back.

Mr. MCCLINTOCK. The gentleman doesn't have any time to yield back. Mr. Fry?

Mr. FRY. Thank you, Mr. Chair. I'm going to yield to the—

Mr. NADLER. I yielded it, nonetheless.

Mr. FRY. I'm going to yield to the Chair in a second.

This is actually a remarkable hearing, what I have witnessed today, both from the sheriff and the Commonwealth's Attorney. The inability, or the unwillingness to prosecute crimes that are committed in your jurisdiction, is almost a fireable offense. I hope that the good people of Virginia remove you from office.

Criminals are back out on the streets in Fairfax County because you want to virtue signal public safety, and you are making communities less safe. In fact, we have a bill called Logan's Law. You would be a poster child. Because I bet, if we stacked up your plea deals and your dropped charges against other real prosecutors in the country, what it would show is that you are actually operating like a public defender and not a prosecutor.

With that, Mr. Chair, I yield you the balance of my time.

Chair JORDAN. I appreciate the gentleman yielding. Mr. Attorney General, let me ask you a few things here.

Well, first, in your distinguished career, Attorney General, and you were in the assembly before that. Before all that, you were a prosecutor yourself, is that right?

Mr. MIYARES. That's correct.

Chair JORDAN. Yes. Is it usually a good thing if the law enforcement people aren't getting along with the prosecutor? Normally, it is better if they get along and they are working together to keep the bad guys off the street and protect the community.

Mr. MIYARES. No question, it's a cooperative arrangement.

Chair JORDAN. Yes. In your time as a prosecutor, I doubt maybe you did, but I doubt it with your distinguished career that you ever had your chief law enforcement, in whatever jurisdiction you were prosecutor, I doubt if you ever had them say, "It's shameful the way this prosecutor is not prosecuting." Did that ever happen to you, Mr. Attorney General?

Mr. MIYARES. No, we never had what happened with the Fairfax Police Chief saying,

What bothers me about this case is the fact that this absolutely could have been prevented.

Stephanie Minter should be alive right now, and she's not because Steve Descano's office chose to release him back in the public.

No, that's never happened in my career.

Chair JORDAN. Yes, it doesn't happen in most places where you have a prosecutor who works with law enforcement to keep the bad guys off the street.

Now, let's get back to this policy issue that Mr. Descano was talking about. He says what he said to the voters when he was running for the job, that doesn't really count. "I got an official policy. What I said to the voters, no—forget that."

Frankly, that is what happens with a lot of policies. I actually think it should be just the opposite; whatever you tell the voters, if they elect you, you should do what you said. He is doing that. He is just trying to wiggle around it now.

Here's the policy: Consideration of, and this is "County of Fairfax, Commonwealth Attorney Procedure Memorandum, 12/15/2020," *Policy Title:* "Guidelines for Plea Bargaining, Charging Decisions, and Sentencing." *Authorizing Signature:* Steve Descano.

Here's what it says on point 14, Mr. Attorney General: "Consideration of immigration consequences. Assistant Commonwealth Attorneys shall consider," we all know—we are in this business of writing laws "may" and "shall" are two different words. Right? "Shall" means you have got to look at this stuff.

He puts a little other thing "shall consider immigration consequences, where possible, where doing so accords with justice" all that stuff. It is not a "may"; it is a "shall."

That is their policy. Do you agree with that, Mr. Attorney General?

Mr. MIYARES. That is their policy, yes, Mr. Chair.

Chair JORDAN. Do you believe that has impacted the decision to let these bad guys on the street who did terrible things? Again, Ms. Minter is beside you. Her daughter—

Mr. MIYARES. Just between 2022–2024, Mr. Descano dropped the charges on Mr. Jalloh of trespassing, malicious wounding, theft, petty larceny, trespassing, disorderly conduct, and malicious wounding.

Chair JORDAN. That is like seven crimes, right?

Mr. MIYARES. Correct.

Chair JORDAN. Now, here's what I want to know. Maybe your office, Mr. Descano, is willing to give us this information because you said, "Oh, no, immigration status" my last time, you said immigration status had no determination on the decision relative to Mr. Morales-Ortez.

I want to know in cases where it did, what were the cases where you changed the plea agreement or you changed the charging decision that were based on consideration of their immigration status?

If you say this doesn't matter anymore; "We took it down off the website. I didn't really believe what I told the voters," if that is the case, I want to know, did you ever use immigration status as a reason to impact the sentence and the charging decision or plea agreement?

Mr. DESCANO. Well, sir—

Chair JORDAN. Can you get us that information? That's what I'm asking. Just give us that information. I want to know what are the cases where we took into account this individual's immigration status and we changed the charging decision. Can you give us those cases?

Mr. DESCANO. Sir, I don't have those cases with me.

Chair JORDAN. Well imagine that—

Mr. DESCANO. I'd love to talk to you about the policy because I think it's been—

Chair JORDAN. You don't have those cases with you? Is it a significant number?

Mr. DESCANO. Well, sir, if I may dig into the policy, I think it will be illustrious.

Chair JORDAN. No, I asked you about the cases. I want to know the number of times you look into there, because here's what everyone sees. You are trying to say it is not the case. Everyone sees you have got an American citizen who does a crime. You have got an illegal immigrant who does the exact same crime. Your policy strong it seems to me says that this person will get a different sentence or a different plea agreement than the American citizen.

Mr. DESCANO. It absolutely—

Chair JORDAN. I want to know if that ever happened.

Mr. DESCANO. It absolutely says in the policy in black and white that an immigrant will not get a better outcome than a U.S. citizen. That is in the policy. That's later. You read one-half sentence, sir. This is a two-paragraph policy.

Chair JORDAN. Well, here's what again, let's go back to the website you took down.

Mr. MCCLINTOCK. I'm sorry. I'm sorry, Mr. Chair, the gentleman's time has expired.

Chair JORDAN. I thank the gentleman. I yield.

Mr. MCCLINTOCK. Mr. Tiffany?

Mr. TIFFANY. Thank you very much, Mr. Chair.

I want to thank Ms. Minter for the verse that she read at the end of her testimony. It was moving and thank you so much for that. Thank you so much for sharing the memories of your daughter with us with those pictures. I'm just sorry that there are not going to be more pictures for us to be able to see in the future. Wishing you the very best.

In Wisconsin Mr. Miyares, I have got a question for you at the end of a couple of sentences here. In Wisconsin, we had a terrible situation. It sounds like it is like Fairfax. In Dane County, which is Madison, Wisconsin, they have the same thing. They have sanctuary policies.

An illegal Venezuelan immigrant, known gang member, was let free, and then, later arrested. He was later arrested over 100 miles away in the town of Prairie du Chien in Wisconsin. He was charged with domestic violence, sexual assault, child abuse, and strangulation.

Doesn't this make it very clear that these sanctuary policies they affect all of us, whether it is in our State, our region, whatever. About all the people that come from our great State of Wisconsin that visit Washington, DC. It seems to me that Fairfax County not very far away that this could be a problem for people who live all over the country, just like this example where Madison, Dane County, Wisconsin, refused to remove someone who went on to strangle someone. Isn't this a really big problem that is being created that does not just affect places like Dane County, Wisconsin, and Fairfax County, Virginia?

Mr. MIYARES. It is a massive problem, Congressman. If you meet with victims, as I have through the years, the one thing a victim will tell you they want—they do not want to become is just a number, just a statistic.

It has been cited, some of the Fairfax public safety numbers, but at the end of the day, every victim their life is changed from the date of the offense, when they have lost their loved one. It absolutely affects.

What's amazing about this is that, in counties where you actually have say Bedford County in Virginia with Sheriff Miller, a great sheriff, and Wes Nance, a great Commonwealth's Attorney; they don't get these headlines. They don't get these headlines because they actually cooperate with Federal immigration authorities.

What happens in Fairfax is they're making a conscious decision, and you're seeing it over and over again. It's not just a failure to cooperate with Federal immigration authorities. It is a conscious decision by Steve Descano to under-prosecute crimes over and over again.

People, I pointed out what happened when a judge told ICE that they had to release him because they were not allowed to deport him to Sierra Leone. The reality is this was so preventable, because multiple times he was arrested multiple times. This prosecutor had the policy of under-prosecuting and dropping charge. It's not just this case. It's multiple cases. He has made a conscious decision.

I'm a little incredulous he has decided to say: Well, the promises I made to the campaign, when I was campaigning voters, they don't really count.

I'm a firm believer, let your "yes" be yes; your "no" be no. It's not what you say; it's what you do.

He may claim this has no impact on his charging decisions, but if you look at time and time again and I can go through the cases, and so can Mr. Kennedy there is a volume of cases where he has made a conscious decision to under-prosecute and, essentially, treat

illegal immigrants with greater deference than he would an American citizen who is charged with a crime.

Mr. TIFFANY. Is there a correlation with the crime statistics being done? I was looking at some yesterday that came out of the Judiciary Committee where it was 67 of the largest municipalities here in America, the decrease in a year was, like, 236 fewer murders in the United States. Think about it: Compared to the previous year, there is a reduction that there's 236 more people that are alive in America as a result of this. Is there a correlation with this securing our border and those places that choose to be tough on crime? Do you think there's a correlation?

Mr. MIYARES. No question. Because I do think sanctuary policies also create a magnet for groups. If you look at, say, Fairfax County, it's estimated, roughly, 200,000 illegal aliens are in Fairfax. If you look right next door to Loudoun, it's about 25,000. Why? MS-13 and TD and other transnational gangs understand that they are in a sanctuary, that they can operate with impunity. They, then, reside in Fairfax, and oftentimes, are committing their crimes all over

Mr. TIFFANY. Fairfax and Dane County, Wisconsin, they are actually magnets for for violent illegal aliens?

Mr. MIYARES. Correct. They know they can go there, and if they're picked up on a charge, they know they have local government in this case, the Fairfax Board of Supervisors has passed the Trust Policy, which is an explicit prohibition on cooperation. They know this; they're not dumb. They know which localities open the doors to them and which localities cooperate with Federal authorities.

Mr. MCCLINTOCK. The gentleman's time has expired.

Mr. TIFFANY. Thank you, Mr. Chair.

Mr. MCCLINTOCK. Mr. Knott?

Mr. KNOTT. Thank you, Mr. Chair. Ms. Minter, I'm so sorry. This is, clearly, a preventable crime, despite what has been said. As the father of two daughters, I can't imagine what you're going through, what you will go through. Candidly, I would not be acting as civilly with some of the people you are seated with, had I suffered what you have had to endure. Thank you for being here.

Mr. Descano, you said that, quote, "We prosecute Virginia cases." Is that correct?

Mr. DESCANO. That is correct, yes.

Mr. KNOTT. You painted a picture of being rigorous in your efforts to prosecute bad people. Correct?

Mr. DESCANO. Yes. When we prosecute, of course, we take a look at every case.

Mr. KNOTT. Yes.

Mr. DESCANO. We are constrained by the evidence.

Mr. KNOTT. Yes.

Mr. DESCANO. We are constrained by the law. I will tell you, Congressman, what is happening here with the number of cases that we're talking about are there's so much.

Mr. KNOTT. I want to talk to you about one of those cases. I want to talk to you about one of those cases, sir.

Mr. DESCANO. Sir—

Mr. KNOTT. Mr. Hyrum Rodriguez. Do you remember that case?

Mr. DESCANO. I do.

Mr. KNOTT. Leading up to the crime that I want to talk about, the defendant's criminal history included multiple charges and arrests for indecent liberties, exposing himself to a child, exposing himself to a child less than 15 years of age, disorderly conduct, illegally entering a property to damage, burglary. He was even sentenced albeit, I would say, too lightly while he was on probation, while he was under court supervision.

On June 15, 2023, at four o'clock in the morning, Fairfax County PD responded to a burglary in process. A mother and her four-year-old daughter were asleep in the same room, but in separate beds. The mother was awoken when her four-year-old daughter was screaming in the next room. She went to investigate. The attacker dropped the four-year-old and fled the scene. It was clear that the four-year-old had been abducted from her bed. Her buttocks had been grabbed. Her torso had been bruised. The victim displayed immediate bruising. The mother did not see the attacker's face, but the four-year-old said he was a, quote, "big man."

Law enforcement identified Mr. Rodriguez in two ways. First, Forensics recovered a finger and palm print from the window that he jarred open in this case and matched footprints outside the house where he was standing with a mud print inside the house.

Second, Eyewitness testimony later identified Rodriguez as having been loitering for days outside this apartment building. He had been seen using drugs in the neighborhood, and he had been pacing around this particular unit in the days leading up to the crime.

Police secured two warrants. First, statutory burglary, specifically alleging that Rodriguez entered an occupied dwelling, seizing a four-year-old with the intent to commit murder, rape, robbery, or arson. The maximum penalty is 20 years. Second, abduction of a four-year-old with the intent to defile such person was the second charge, with a maximum penalty of life.

Once it was handed over to your office, inexplicably so, you immediately reduced the burglary offense to a misdemeanor, which capped the sentence at 12 months. You then reduced the abduction charge to an offense that was a lower degree and capped the sentence at 10 years.

When you entered into a plea agreement, you tried to bind the court, they could not sentence this person to any term over two years. Is that not correct?

Mr. DESCANO. Sir, I'm so glad you brought this case up because—

Mr. KNOTT. Is that not correct?

Mr. DESCANO. Well, because I would like to explain, sir.

Mr. KNOTT. It is correct. The court rejected it.

Mr. DESCANO. Sir, I know the case file—

Mr. KNOTT. This was a—

Mr. DESCANO. I would love to talk to you about—

Mr. KNOTT. I'm talking. It was a judge that was appointed by Senator Warner.

Mr. DESCANO. You are assuming—Sir—

Mr. KNOTT. This is not a Right-wing judge. This is a liberal judge. Do you know why he rejected it?

Mr. DESCANO. Sir, I would love to talk about the case—

Mr. KNOTT. He saw what you should have seen. He cited overwhelming evidence—

Mr. DESCANO. Can we talk about the evidence, sir?

Mr. KNOTT. —that this person was a threat—

Mr. DESCANO. Because I know it and you don't.

Mr. KNOTT. Quit talking.

Mr. DESCANO. I would love to tell you about it.

Mr. KNOTT. This person was a threat. He yanked a four-year-old girl out of her bed with the intent to harm her. You wanted to give him a cap of two years.

Mr. DESCANO. Sir, this is a great example—

Mr. KNOTT. Then, when the plea agreement was rejected, what did you do?

Mr. DESCANO. Sir, this is a great example—

Mr. KNOTT. What did you do?

Mr. DESCANO. This is a great example of a case where—

Mr. KNOTT. I have prosecuted—I have prosecuted cases—

Mr. DESCANO. Then, you understand cases that don't have strong evidence—

Mr. KNOTT. When you're evading like that, do you know what that's a sign of? Guilt. What did you do? You dismissed the case.

Mr. DESCANO. Sir, can I please talk to you—

Mr. KNOTT. Mr. Descano, when you dismiss be quiet—

Mr. DESCANO. —about this case, if you want to know about it so much?

Mr. KNOTT. When you dismiss a case, what happens to that defendant?

Mr. MIYARES. He walks free.

Mr. KNOTT. He walks free. A disgusting, perverted individual preying on children, that you dismissed the case. As the father of two young girls one of them is five that is as shameful as anything I have seen.

Mr. DESCANO. I have a daughter, too, sir.

Mr. KNOTT. Quit defending the indefensible.

Mr. DESCANO. Don't—please don't talk to me, that I don't care about people in my community.

Mr. KNOTT. You, clearly, don't.

Mr. DESCANO. Absolutely not.

Mr. KNOTT. You dismissed the case, and it's shameful. You're a coward. You are a coward.

Mr. DESCANO. Sir, you won't even let me talk to you about the case, sir.

Mr. KNOTT. It's indefensible, sir. I yield back.

Mr. MCCLINTOCK. Mr. Gill?

Mr. GILL. Thank you, Mr. Chair, for holding this hearing on a really important issue that a lot of Americans care very deeply about.

Mr. Descano, I want to start with you. I have got a couple of questions for you.

I have got a document titled, "Guidelines for Plea Bargaining, Charging Decisions, and Sentencing." It states that,

Prosecutors shall consider the collateral immigration consequences of the specific crimes the defendant is charged with and the detrimental impact

that the deportation/removal has on the families and communities [that] those removed will leave behind.

This document is your official policy. This is not from your campaign website. This is the official policy document as well. Is that correct? Do you recognize this?

Mr. DESCANO. Yes. You read a portion of the policy, sir.

Mr. GILL. That's right. I'm not going to read the full thing since it's quite long.

Mr. DESCANO. Oh, I don't expect you to, sir.

Mr. GILL. It's about 11 pages. It's about 11 pages. I'm not going to read the full thing.

I want to better understand how you weigh an illegal alien's immigration status whenever you are making charging decisions. Do you know who Ander Jose Cortez-Mendez is? Are you familiar with that case?

Mr. DESCANO. Yes, sir.

Mr. GILL. OK. This is a Guatemalan illegal alien who was arrested in March 2024. He was initially charged with, quote, "carnal knowledge" of a 13–14-year-old.

Just for those of us who aren't lawyers, can you describe just very briefly what does "carnal knowledge" of a 13–14-year-old mean in this context?

Mr. DESCANO. Well, sir, generally, a charge like that would, typically, refer to underage sex.

Mr. GILL. OK. He raped an underage person. An illegal alien who raped an underage American. Your office reduced those charges to a misdemeanor charge of consensual sex with a child 15 years and older. You offered him a 90-day suspended jail sentence, is that correct?

Mr. DESCANO. Sir, based on the evidence that we had in the case—

Mr. GILL. It is correct?

Mr. DESCANO. It's not related to the policy, sir.

Mr. GILL. That is correct? I just want to ask you, whenever you were making that charging decision to reduce the charge, how did you weigh the defendant's immigration status?

Mr. DESCANO. Well, sir, I'll to be clear, I was not the lead prosecutor in that case.

Mr. GILL. It was your office.

Mr. DESCANO. Oh, absolutely, sir. I, of course, rely on my team of 50-some attorneys to do cases.

Mr. GILL. Sure.

Mr. DESCANO. What is important is that, oftentimes, as you know, sir, as a prosecutor, we're constrained by the evidence. We are constrained by—

Mr. GILL. I just need to know, how did you take into account the defendant's immigration status in making that decision?

Mr. DESCANO. Well, sir, again, I'm saying—

Mr. GILL. How did your office make that determination?

Mr. DESCANO. I you're, you're—well, what I would say is that—and thank you for clarifying for you to take a look at the immigration consequences policy, or when you see—

Mr. GILL. Let me ask it a different way. Did your office reduce charges against this illegal alien from a felony rape charge to a

misdemeanor charge with a 90-day suspended jail sentence, in part, because this was an illegal alien in question?

Mr. DESCANO. No, this was evidentiary-based.

Mr. GILL. It was evidence there was no it had nothing to do with the defendant's immigration status?

Mr. DESCANO. Sir, when—

Mr. GILL. Is that your testimony?

Mr. DESCANO. If you read the policy, you'll see that it explicitly carves out—

Mr. GILL. Did it have anything to do with the defendant's immigration status? It's just yes or no.

Mr. DESCANO. Well, sir, it was based on the evidence.

Mr. GILL. I'm asking you, was their immigration status part of the evidence? It's a yes or no.

Mr. DESCANO. I don't believe so.

Mr. GILL. You don't believe so? Your policy says that you "shall consider" the immigration status.

Mr. DESCANO. Actually, sir, if you actually read the whole policy, it explicitly carves out cases—

Mr. GILL. Quote,

Prosecutors shall consider the collateral immigration consequences of the specific crime(s) the defendant is charged with and the detrimental impact that deportation/removal has on the families.

Mr. DESCANO. It also mentions that—

Mr. GILL. Line for line—

Mr. DESCANO. —it's not outcome-determinative. It also explicitly states—

Mr. GILL. I understand, and I'm asking you if you weighed, your office weighed, the defendant's immigration status in making your charging decisions here.

Mr. DESCANO. Oh, again, sir, I was not, the lead prosecutor—

Mr. GILL. I'm asking about your office. I understand you're not the lead prosecutor.

Mr. DESCANO. Exactly. I just want to be clear. The way that the policy is written that case should not have fallen under the rubric of this policy. This is a narrow policy, and it's meant to be a narrow policy.

Mr. GILL. He is an illegal alien. I think that would qualify, would it not?

Mr. DESCANO. Well, no, sir, because, again, the way that the policy is being presented as, it is as it is outcome-determinative, goes to every case.

Mr. GILL. There would be immigration consequences based on what charge you bring. That would clearly apply to this case.

Mr. DESCANO. No, sir. Again, that's the reason why I mentioned earlier you read a portion, but not the entire two paragraphs of this subheading.

Mr. GILL. "Prosecutors shall consider." I just want to know, just give me a yes-or-no answer. Did you take into account the defendant's immigration status?

Mr. DESCANO. Sir, again, I was not but the way the policy—

Mr. GILL. Did your office take into—

Mr. DESCANO. The way the policy is written—

Mr. GILL. It's a yes-or-no question.

Mr. DESCANO. No, they should not have taken—

Mr. GILL. They should not have taken?

Mr. DESCANO. That's not outcome-determinative in a case like this, sir.

Mr. GILL. Great. Thank you. My time is up.

Mr. MCCLINTOCK. Mr. Grothman?

Mr. GROTHMAN. Yes, I had another hearing. I apologize if I'm asking a question that has already been asked.

Obviously, we have immigration laws in this country. Every country has immigration laws. We have 800,000 people, about, naturalized in this country every year. We are right now in a position in which one out of six Americans in this country are foreign-born, one out of six people in this country, which is the all-time high. Nobody could say that, under current law, we are not more than generous with people who want to come here.

Nevertheless, there's some people who I can only—unless they are very foolish, they are trying to destroy the country by, in addition to the 800,000 people getting sworn in, want to let unlimited other people in the country.

Now, my first question is for Sheriff Kincaid. I hear from my local sheriffs in Wisconsin, if there's any activity from Federal agents—FBI, ATF, DEA, U.S. Marshals, and Secret Service, they always contact, the Federal agency or they call them, to coordinate with them. Maybe setting up a perimeter, or maybe if they have to remove somebody, take them to the local jail.

We are told and that would seem to be automatic as an American. Nevertheless, we are told, Sheriff Kincaid, that your office sometimes is reluctant to assist Federal agencies in ongoing investigations intended to safeguard citizens. How do you respond to that charge?

Sheriff KINCAID. First and foremost, we never obstruct ICE. As a matter of fact, we work with them in three or four more ways. When they request or call and ask for assistance, especially when it comes to turning someone over, we coordinate that with them to ensure their safety. As far as not cooperating with them, we do. We do that all the time, just like any other law enforcement agency.

Mr. GROTHMAN. OK. Does Virginia law explicitly authorize compliance with ICE detainees within five days of a criminal alien's release from your custody?

Sheriff KINCAID. Based on the judicial or the administrative warrant, there is law that allows for us to turn an individual over to ICE five times prior to when they are set to be released.

Mr. GROTHMAN. Do you?

Sheriff KINCAID. ICE does know that.

Mr. GROTHMAN. Yes, and you—

Sheriff KINCAID. We do.

Mr. GROTHMAN. You do? OK. Has your office conducted an audit of what happens to individuals you have released instead of honoring ICE detainees, or do you always honor the detainees?

Sheriff KINCAID. In terms, we honor detainees. It is when we are presented with a judicial warrant that we will continue to detain somebody because it's authorized by a judge.

Mr. GROTHMAN. OK. Mr. Miyares, can you give a high-level overview of the findings of your September 2025, investigation into

Fairfax County's the Fairfax County Commonwealth's Attorney's Office?

Mr. MIYARES. Yes, sir. We conducted one and saw that, in our opinion, Mr. Descano views himself more as a social worker than a prosecutor. That as a result, he has systematic failed the victims in Fairfax County. We talk to so many, not just those and including victims that were immigrants, but everyday citizens that have felt that the Fairfax County Commonwealth's Attorney's Office had failed them.

Mr. GROTHMAN. OK. Could you respond, or do you agree with everything Sheriff Kincaid has told you?

Mr. MIYARES. I do find it curious, what we have is they keep trying to say they need a judicial warrant. As you know, DHS and others said that is not required in this case.

What you've seen, actually, in Virginia, disturbingly, is that we just had our current Governor pass an Executive Order, her first one, EO 1, that banned cooperation with Federal immigration authorities, not just with the State police, overturning Governor Youngkin's policies, but also the Department of Corrections. In other words, someone that is a convicted felon in a Virginia prison, even then. You are seeing a lot of bad policies from Fairfax being brought statewide.

Mr. GROTHMAN. OK. That's kind of shocking. I guess, if you would elaborate on it a little bit, and what would happen in this country if—or what effect that has on people who are here illegally and are illegally committing crimes?

Mr. MIYARES. We, as a Nation, allow, roughly, one-million legal immigrants a year. We are a good, decent, and generous people. That's who we are. I'm the child of an immigrant.

What Americans do not like is be seen that they're being taken advantage of. During the Biden Administration, between 8–10 million illegal immigrants came into this country. That is larger than the population of 32 U.S. States. That is not tenable. People are not doing it the right way.

There is not a country on the planet that is as generous with legal immigration as we are. It's not even close. What we don't appreciate right now are people that are cutting in line and breaking our laws. It's something we all learned in grade school. We have too many policymakers who decided that's OK and they shrug their shoulders. They turned a blind eye.

In this case, Steve Descano deciding to adopt policies, taking someone's illegal immigration status and under-prosecuting cases, in which we're seeing the tragic results, as we're seeing today.

Mr. MCCLINTOCK. The gentleman's time has expired. Ms. Scanlon?

Ms. SCANLON. Thank you, Mr. Chair. I practiced alongside immigration attorneys for a period of time before coming to Congress, so have a sense of just how broken our immigration system is and how hard it is, even for people who are trying to follow the rules, to actually follow the rules. A lot of the conversation we have in Congress seems to come from folks who don't understand how the system is actually working, or not working.

If our Republican colleagues want to talk about who and what is making Americans less safe today, it is this White House and its

chaos and its reckless mass deportation agenda. Families and communities are being torn apart. Citizens have been ripped from their homes with no warrants in cases of mistaken identity. Federal agents have shot and killed Americans in our streets for daring to question their unlawful tactics.

The White House has prioritized meeting deportation quotas, and in doing so, has targeted all immigrants, including those who have followed our rules and who, until this administration changed the rules, those folks were in our country legally.

The majority of folks who have been detained by ICE have no criminal record here or in their home countries. That is according to the agency's own data. While ICE and CBP claim to be "claim" to be focusing on the worst of the worst, instead they have gone after toddlers with Spider-Man backpacks, parents taking their kids to school or to the hospital for cancer treatment, hardworking people showing up at work, spouses of military veterans and active duty service members, and law-abiding people who are showing up for their interviews and court hearings, as they are following the rules to do what they need to do to become citizens or obtain other forms of legal status.

Who does any of this make more safe? Aside from the trauma and the heartbreak that these policies have inflicted on individual families and communities, the damage to our economy is mounting by the day.

That damage comes from companies rethinking their investments in the United States, because they see their citizens, their folks, getting abused by our immigration agents.

Tourists who have decided not to visit Disney World or celebrate our 250th Anniversary or attend the World Cup this year. We have seen bookings from overseas are down 20–30 percent across the country, but we are particularly sensitive to it in Philadelphia.

We are seeing physicians, researchers, and students from around the world who have been deterred from bringing their talents and what they can bring to our country by additional visa fees, and by the risks of being targeted by misguided immigration agents.

Throughout our country's history, immigrants have been drawn here by the promise of America and its brighter future. They bring meaningful contributions to our economy, our culture, our social fabric in all our communities.

We should be fixing our outdated, broken immigration system to make it better and more efficient, not undermining it or just trying to gut it entirely. Because failing to do that work is a huge disservice to all us and to the future success of our Nation.

Our Republican colleagues have tried to say this is about fighting crime, but in pursuit of this Administration's indiscriminate crack-down, they are diverting Federal law enforcement, prosecutors, and resources away from serious threats, including child exploitation, fentanyl trafficking, and domestic terrorism.

This is really misguided. It seems to be entirely about politics and not about actual safety.

Mr. Descano, in the few seconds we have left, is there anything you would like to add? Because you seem like you have been a very practical and engaged public servant.

Mr. DESCANO. Well, thank you, Congresswoman, and there are a few things I would love to add.

First, let me be clear. My policy that we're talking about was written with legal permanent residents in mind for minor crimes. It was based off the *Padilla v. Kentucky U.S. Supreme Court* case that said it is a good idea for prosecutors and defense attorneys to take into account and to know collateral immigration consequences.

The other thing I'd like to say is, Mr. Miyares and Mr. Kennedy, they've never been to my office. They've never seen the case files that I've seen. They jump to a bunch of conclusions—

[Mr. McClintock gavels for order.]

Mr. MCCLINTOCK. The gentleman's time has expired. I will let you finish that sentence.

Mr. DESCANO. Thank you, sir. They jump to conclusions about case outcomes that we may not be thrilled about and give them and ascribe reasons that simply aren't the reasons.

Mr. MCCLINTOCK. Thank you. Mr. Onder?

Ms. SCANLON. Thank you.

Mr. ONDER. Thank you, Mr. Chair. Mr. Descano, in your written testimony, you wrote, "The system failed Ms. Minter." Do you consider yourself part of that failure?

Mr. DESCANO. Sir, I do believe that the entire system did fail. I will tell you that I wish that there were things that we could have done and had the things to go forward—with on some of those cases.

Mr. ONDER. OK. You said that. OK. Did the police fail Ms. Minter?

Mr. DESCANO. No, sir. I think what the—

Mr. ONDER. Did Sheriff Kincaid fail Ms. Minter?

Mr. DESCANO. No, sir, but I think that—

Mr. ONDER. Everyone failed Ms. Minter. The system failed the amorphous system, not you; you, a soft-on-crime Soros prosecutor; not you who does not honor ICE detainees. Neither of you believe in honoring ICE civil detainees, no judicial detainees that in most cases are not even possible to obtain.

Ms. Minter, do you feel the system failed you and your daughter Stephanie?

Ms. MINTER. [Ms. Minter nods her head in the affirmative.]

Mr. ONDER. Yes. Do you feel, Ms. Minter, that you can opine or not, if you don't do you feel that Mr. Descano's prosecutor's officer hears victims?

Ms. MINTER. Hears victims?

Mr. ONDER. Takes victims into account, and potential victims?

Ms. MINTER. No.

Mr. ONDER. Because, based on the policies of Fairfax County, both the sheriff's office and the prosecutor's office, what happened to you and your family was entirely preventable.

Ms. MINTER. I believe it was.

Mr. ONDER. Yes. When you have the policy of not cooperating with ICE by the way, in violation of Federal law these things are going to happen. People who should not have been in the United States of America at all, criminal illegal aliens, in our solicitousness, to appease the radical Left base of the Democrat Party and

their open borders policies, it is a policy we don't want to deport anyone.

Mr. Descano even said it on his campaign website. "Well, that's not really the policy of the Fairfax County's County Prosecutor's Office." OK. Were you lying to the voters or are you lying to us now today?

Ms. MINTER. What I believe is that these vicious criminals, the criminals that keep hurting our people should not be out of here. They need to be deported. You know what? I don't think it has to do with ICE—

Mr. ONDER. Right.

Ms. MINTER. It has to do with having—we're nowhere. We're not a country without illegals coming in—

Mr. ONDER. Without—

Ms. MINTER. —and without people coming in from other countries. That's what our country is built on.

Mr. ONDER. There is no such thing as a sovereign Nation without secure borders. Well, thank you. No, thank you, and thank you for your courage being here today.

Yes, it is nice to give lip service, "Oh, the system failed you, Ms. Minter." It is another thing to do something about it, especially when the radical base of your party doesn't want you to do anything about it. We know that two elected officials to your Left today, we know where they sided. Did they side with victims, or did they side with their radical left, open borders base? We know the answer to that.

Mr. Bier, you implied in that somehow, because the United States is so dysfunctional regarding legal immigration, that this somehow encourages illegal immigration. In some way, I may believe that.

I want to give you some numbers. In 2024, the United States admitted it gave 1.36 million to foreign nationals green cards; 226,000 family sponsored visas; 150,000 employment-based visas; and 52,000 diversity legal lottery visas. In early 2026, there was an asylum backlog of 3.5 million cases. Mid-2025, temporary protected status backlog, 1.2 million cases.

Mr. Miyares said—and I think I got this right, "there's no country on this planet that's more generous to legal immigrants than the United States of America."

If the numbers I read to you, Mr. Bier, are not enough, what is the right number? Because, roughly a billion people on this planet live on \$2 or less per day, and I imagine quite a few of them would like to immigrate to the United States. What is that number? Is there a number? Should all the billion be able to immigrate into the United States legally or illegally?

Mr. BIER. Well, the United States ranks in the bottom third—

Mr. MCCLINTOCK. The gentleman's time has expired. Mr. Bier, I will give you a few seconds to respond.

Mr. BIER. The United States ranks at the bottom third of wealthy countries for its foreign-born share of the population, for the rate at which it admits people. We're a very large country, and we have 338 million in here.

Mr. ONDER. So, the goal is—

Mr. BIER. One million people is a third of a percent of the population. That's half of what it was in the early 20th century, and we survived that and thrived as a result of it.

Yes, we can allow more legal immigration to the United States. We should have processes that are fair, that allow people an opportunity to come, and protect our rights as Americans to associate and contract trade with the people born in other countries.

Mr. MCCLINTOCK. Mr. Bier, you—

Mr. ONDER. Thank you, Mr. Chair.

Mr. MCCLINTOCK. Thank you. The gentleman's time has expired.

Mr. ONDER. I yield back my negative time.

Mr. MCCLINTOCK. The gentleman's time has expired. Now, I will recognize myself for five minutes.

Oh, we have got a unanimous consent request. Ms. Jayapal?

Ms. JAYAPAL. Thank you, Mr. Chair. I seek unanimous consent to enter into the record an opinion piece from our *Seattle City Attorney* entitled, "Seattle's Welcoming City Policies Keep Us Safe."

Mr. MCCLINTOCK. Without objection. I will now recognize myself for five minutes.

Mr. Descano, in the case of Mr. Rodriguez whose charges you dropped, in the case of the four-year-old who was attacked in her own bedroom, I understand he was later taken into custody by ICE and deported. I'm just curious, did you notify ICE of that release, so that they could deport him? Was it the little girl's mother who had to call ICE to get him out of your community?

Mr. DESCANO. Sir, we did not call ICE.

Mr. MCCLINTOCK. The mother had to call ICE to get him out of your community.

Mr. Miyares, we keep hearing from Sheriff Kincaid, among others, that they would be happy to respond to a Federal judicial warrant to honor a detainer request. Well, is a Federal judicial warrant possible to obtain in a State crime?

Mr. MIYARES. No, it's not, and they know this.

Mr. MCCLINTOCK. If deportation is a civil matter, how does one get a Federal judicial warrant?

Mr. MIYARES. You can't. Again, they know this.

Mr. MCCLINTOCK. They're basically lying to the public? They are counting on the public not understanding that what they are asking for is legally impossible?

Mr. MIYARES. It's legally impossible, yes, Mr. Chair.

Mr. MCCLINTOCK. Mr. Kennedy, do you find it odd that the Democrats are blaming ICE for not deporting this particular suspect who is accused of murdering of Stephanie Minter? Yet, at the same time, they refuse to notify ICE, so they can deport such suspects, and they refuse to fund ICE, so that they can deport such suspects.

Mr. KENNEDY. I do find it odd, but I'm actually going to extend agreement to the Democratic side, because I believe that Mr. Jalloh should never have been deported whatsoever. He should have spent the rest of his natural life, before Stephanie Minter's death, in the Virginia Department of Corrections. Short of that, he should have been deported to Sierra Leone after he served his sentence.

None of that came about. He was never sent to prison. Mr. Descano said that he obtained a sentence for him for multiple

years. He never left Fairfax County. He was never sentenced to prison. He spent time in jail and was released because of good time credits. Mr. Jalloh should have spent the rest of his life in prison, then, been deported.

Mr. MCCLINTOCK. Understood. I actually have to go on. We keep hearing these sanctuary policies enhance public safety. What have your studies shown?

Mr. KENNEDY. That these aren't the same thing. Every single person who is injured or is the victim of a property crime, a person crime, let alone a homicide, it was a completely preventable homicide. It was a completely preventable crime. These are all excess things that didn't have to happen.

When it comes to repeat offenders, I identify in my testimony 25 incidents—25 and half of them are unknown to the rest of the public—

Mr. MCCLINTOCK. That is including—

Mr. KENNEDY. —where escalating violence occurred escalating violence.

Mr. MCCLINTOCK. That is including three out of seven homicides in Fairfax County.

The Center for Immigration Studies looked at the SCAAP documentation from States seeking reimbursement for illegal aliens held in their State prisons. They found that illegal aliens are, typically, at least three times as likely to be incarcerated than citizens or lawfully present aliens.

Mr. Miyares, the Democrats say this is all necessary to get illegal immigrants to report crimes. In fact, if an alien is the witness to or a victim of a crime, don't they qualify for a U visa to remain in this country under current law?

Mr. MIYARES. Well, I don't think it builds community trust, either, when you see a catch-and-release program being instituted by this Commonwealth's Attorney's Office. That does not build trust for you to come forward to testify.

Mr. MCCLINTOCK. Someone is not going to report a crime if they know that criminal is going to be back on the streets later that afternoon to take vengeance. Is that correct?

Mr. MIYARES. That is correct. What you've seen is a revolving door. Every policy Mr. Descano advocates for, policies he's supported in the general assembly, is to allow a revolving door. Changing our bond policies in Virginia, and his own personal policies that they have in Virginia, it is to release criminals back into the community time and time again. We know from his official policy that he takes and factors in their immigration status as well.

Mr. MCCLINTOCK. Ironically, when these criminals are released back into the community, they tend to prey on the illegal immigrant community where they have come from, do they not?

Mr. MIYARES. No question.

Mr. MCCLINTOCK. We had just a case recently where a legal immigrant from Bangladesh had her head bashed in by an illegal Haitian national with a long rap sheet, who had been allowed to remain in this country under the TPS program.

You mentioned that Governor Spanberger is expected to sign legislation that would forbid cooperation with ICE. I assume that

would forbid notifying ICE if and when Stephanie Minter's killer is released?

Mr. MIYARES. Correct. Correct. He will be, presumably, in the Virginia Department of Corrections. Under a current Executive Order, as we've noted, there's a there's no requirement of a judicial warrant. They won't notify ICE. Despite all her public pronouncements—

Mr. MCCLINTOCK. Ms. Minter may I just—

Mr. MIYARES. Yes.

Mr. MCCLINTOCK. Ms. Minter, Sheriff Kincaid said that she didn't have her budget to make a phone call to ICE to honor a detainer. Does that make you feel more safe? What is your response to Sheriff Kincaid?

Ms. MINTER. I'm just going to start keeping a list and calling ICE myself. It might be easier.

Mr. MCCLINTOCK. Oh, my time is expired.

Ms. JAYAPAL. Mr. Chair, I have a few more unanimous consent requests.

Mr. MCCLINTOCK. Go ahead.

Ms. JAYAPAL. I ask unanimous consent to enter into the record the *Cato Institute*, Mr. Bier's policy analysis titled, "Immigrants Cut Victimization Rates and Boost Crime Reporting."

Mr. MCCLINTOCK. Yes, we have seen it. Without objection.

Ms. JAYAPAL. Another one titled, "Family Says Virginia Domestic Violence Victim Didn't Seek Help Due to Immigration Fears."

Another one entitled, "She Testified about Being Raped. Then ICE Showed Up," from *The Atlantic*.

Mr. MCCLINTOCK. Without objection.

Ms. JAYAPAL. Thank you, Mr. Chair.

Mr. MCCLINTOCK. If there is no further business to be brought before the Committee, I want to thank our witnesses for appearing before the Subcommittee today.

Without objection, all Members will have five legislative days to submit additional written questions for the witnesses or additional materials for the record.

Mr. MCCLINTOCK. Without objection, the hearing is adjourned [Whereupon, at 12:44 p.m., the Subcommittee was adjourned.]

All materials submitted for the record by the Members of the Subcommittee on Immigration Integrity, Security, and Enforcement can be found at the following links: <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=119272>.