

Commonwealth of Virginia

COUNTY OF FAIRFAX

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STEVE DESCANO
COMMONWEALTH'S ATTORNEY

COMMONWEALTH'S ATTORNEY PROCEDURE MEMORANDUM	
Policy Title: Prohibition on Assisting Federal Agents with Civil Immigration Enforcement	
Summary: To improve community safety, restore trust, and ensure all have equal protection of the law, employees of the Fairfax County Commonwealth's Attorney's Office shall not assist federal agents with civil immigration enforcement.	
Authorizing Signature:	

Fairfax County is a diverse community. Three in ten residents of the county are immigrants. Accordingly, it is important that our immigrant community has the ability to engage with county agencies, including the criminal justice system, without fear that the information they provide might be used to assist in federal civil immigration enforcement.

The cooperation of all persons—citizens, documented residents, and those without documentation—is essential to the safety of the community. Trust and cooperation between immigrant communities and the criminal justice system diminishes when immigrants see local law enforcement voluntarily assisting federal agents with civil immigration enforcement. Immigrants become less likely to report crimes, act as witnesses in criminal investigations and prosecutions, and provide intelligence to law enforcement. Moreover, when communities are reluctant to seek out law enforcement help due to fear of deportation/removal, those communities become high-value, low-risk targets. Given that approximately 85% of immigrants live in mixed status households, the distrust of law enforcement extends well beyond those who are undocumented. The chilling effect is only amplified at the judicial stage as victims, witnesses, and other parties often are reluctant to go to the courthouse due to the fear of federal immigration agents patrolling the area. Civil arrests of individuals with business at the Fairfax County courthouse substantially disrupts court operations and compromises public safety.

Therefore, to improve community safety, restore trust, preserve limited resources, and ensure all have equal protection of the law, employees of the Fairfax County Commonwealth's Attorney's Office shall not assist federal agents with civil immigration enforcement.

The prohibition on assisting federal agents with civil immigration enforcement includes, but is not limited to, the following:

- No employee shall disclose to any federal agent, for the purpose of civil immigration enforcement, any confidential personal information¹ maintained by this office.
- No employee shall expend county resources (including but not limited to facilities, equipment, cell phones, office supplies, emails, databases, and employee time during regular business hours) to assist any federal agent for the purpose of civil immigration enforcement.
- No employee shall provide federal agents access, for the purpose of civil immigration enforcement, to the Commonwealth's Attorney's facilities, property, equipment, records or databases.

This policy does not prevent cooperation with state and federal agencies in connection with any action intended for a legitimate law enforcement purpose not related to civil immigration enforcement. Nor does this policy prohibit employees from taking any action necessary to fulfill the mission or obligations of this office. Moreover, this office will continue to comply with all applicable state and federal laws, court orders, and criminal warrants.

Nothing herein shall prevent the provision of information or assistance in connection with a U, T, or S visa application under federal law. Further, if information or assistance is requested that is relevant to other protections or benefits accorded to an individual under state or federal law, or required by any international treaty, an employee of this office may voluntarily provide the relevant information or assistance requested if otherwise allowed by law.

¹ Confidential personal information is personal information that could be useful in identifying and/or locating a non-citizen or person of uncertain immigration status, including but not limited to: (1) contact information (e.g., current location, home/work address, telephone numbers, social media contacts or other means of contacting someone); (2) law enforcement information (e.g., arrest, summons, court date, judicial ruling, release date from incarceration, confinement in a jail or criminal history); (3) personal identifiers and status (e.g., citizenship, immigration status, national origin, race, ethnicity, language proficiency, religion, sexual orientation, gender identity, disability, age, place and date of birth, marital status, status as a victim of domestic violence or status as a veteran); and (4) government identifiers (e.g., license plate, driver's license, social security/taxpayer identification/passport/visa numbers, receipt of public assistance or services, housing records or tax records).