



**U.S. Department of Justice**

**Civil Rights Division**

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*Assistant Attorney General  
950 Pennsylvania Ave. NW - RFK  
Washington, DC 20530*

May 6, 2026

**Via Email**

Hon. Steve Descano  
Office of the Fairfax Commonwealth's Attorney  
4110 Chain Bridge Road, Suite 114  
Fairfax, VA 22030

**Re: Investigation of the Office of the Fairfax Commonwealth's Attorney**

Dear Mr. Descano:

I write to inform you that the Department of Justice is opening an investigation to determine whether the Office of the Fairfax Commonwealth's Attorney ("OFCA") has violated Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, *et seq.*, or the Safe Streets Act, 34 U.S.C. § 10228, both of which prohibit recipients of Federal financial assistance from discriminating based upon race, color, or national origin. Our investigation will also determine whether your office is engaged in a pattern or practice of depriving persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, pursuant to 34 U.S.C. § 12601.

Our investigation is based on information that on or about December 15, 2020, OFCA adopted the *Commonwealth's Attorney Plea Bargaining, Charging Decisions, and Sentencing Policy*. That policy states in relevant part "ACAs [Assistant Commonwealth's Attorneys] *shall consider immigration consequences where possible*" and that "prosecutors shall consider . . . the collateral immigration consequences of the specific crime(s) the defendant is charged with[.]"

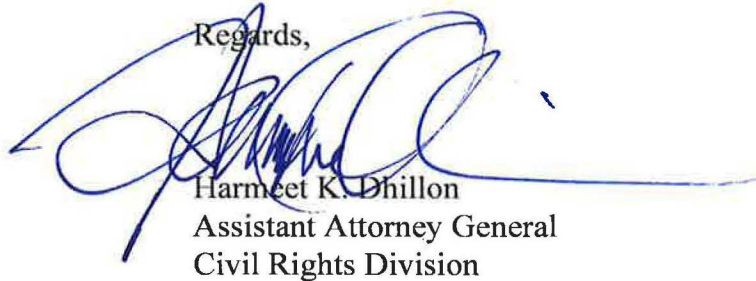
Accordingly, I have authorized a full investigation to determine whether OFCA has engaged in unlawful discrimination in violation of Title VI and the Safe Streets Act and whether OFCA is engaged in a pattern or practice of law enforcement misconduct that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.

Please be assured that we have not reached any conclusions about the subject matter of our investigation. We will consider all relevant information, and we welcome your assistance in helping to identify what that might be. We would appreciate your cooperation in our investigation. In our years enforcing civil rights statutes involving state and local law enforcement agencies, including local prosecutors' offices, we have worked with jurisdictions of all sizes across the nation to resolve investigations, usually without contested litigation.

The Civil Rights Division's Special Litigation and Federal Coordination and Compliance sections will oversee this investigation. Representatives of these sections will be in contact with you shortly to arrange a mutually agreeable date and time to discuss the parameters of this investigation, including the scope of information that we will be seeking from your office.

Thank you in advance for your cooperation.

Regards,

A handwritten signature in blue ink, appearing to read 'Harmeet K. Dhillon', is written over the typed name and title. The signature is stylized and fluid.

Harmeet K. Dhillon  
Assistant Attorney General  
Civil Rights Division