

ONE HUNDRED NINETEENTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON THE JUDICIARY

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WASHINGTON, DC 20515-6216

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January 15, 2026

The Honorable Steve Descano
Commonwealth's Attorney
Office of the Fairfax County Commonwealth's Attorney
4110 Chain Bridge Road, Suite 114
Fairfax, VA 22030

Dear Commonwealth's Attorney Descano:

The Committee on the Judiciary is conducting oversight of state and local jurisdictions that endanger American communities through their refusal to cooperate with federal immigration officials and their prioritization of illegal and criminal aliens over American citizens. We write to request information about your office's sanctuary policies, which ultimately endanger the communities you serve.

During your tenure, the Fairfax County Commonwealth's Attorney's Office has routinely undermined the rule of law under the guise of safeguarding the public. For years, your office has prohibited its employees from "assist[ing] federal agents with civil immigration enforcement."¹ The sanctuary policy prohibits prosecutors from sharing arrest information and immigration status details with federal immigration officials and bans employees from cooperating in the enforcement of federal administrative warrants for illegal and criminal aliens.² Your office also routinely fails to prosecute cases against criminal aliens, allowing them to reoffend and terrorize new victims.³

The effects of your office's pro-criminal alien policies have been devastating. In one case involving a twice-deported illegal alien from Guatemala, prosecutors in your office "dropped his felony charge for allegedly strangling a woman in exchange for a guilty plea" to a misdemeanor

¹ Commonwealth's Att'y Procedure Memo., Steve Descano (Mar. 23, 2021), <https://www.fairfaxcounty.gov/commonwealthattorney/prohibition-assisting-federal-agents-civil-immigration-enforcement>.

² *Id.*

³ See, e.g., Jared Serre, *Virginia AG Miyares to investigate Fairfax's top prosecutor over abduction case*, FFX Now (Aug. 4, 2025, 1:45 PM), <https://www.ffxnow.com/2025/08/04/virginia-attorney-general-to-investigate-fairfaxes-top-prosecutor-over-abduction-case/>.

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offense.⁴ The criminal alien’s victim “feared for her safety and that of her children when she heard [the illegal alien] was back on the street so soon.”⁵ In August 2024, your office also dropped charges against an illegal alien who had been charged with “aggravated sexual battery against a minor under 13 and felony indecent liberties.”⁶ Instead of taking accountability for your office’s routine protection of criminal aliens, you blamed ICE for your failures.⁷ In yet another case from this past year, your office dismissed charges against an illegal alien from Honduras who had been charged with “alleged abduction of a person with intent to defile and alleged burglary with the intent to murder, rape, or commit another felony.”⁸ The dismissal came after a judge rejected a lenient plea deal offered by your office.⁹

The Fairfax County Commonwealth’s Attorney’s Office’s policies ultimately have had deadly consequences. On December 16, 2025, the Fairfax County Sheriff’s Office released Marvin Morales-Ortez, an alleged MS-13 member from El Salvador, after your office “decided not to move forward with prosecuting him on charges of malicious assault and pointing/brandishing a gun stemming from an incident on September 12.”¹⁰ This comes after the Fairfax County Commonwealth’s Attorney’s Office previously dropped a murder charge against the same alien, despite your office “argu[ing] in court in 2021 that [Morales-]Ortez confessed that he was present during the murder, that he was with a few other people, that he ambushed the victim on a path, and that he struck the victim three times with a machete.”¹¹ Your office’s recent actions to drop additional charges against Morales-Ortez paved the way for Fairfax County Sheriff Stacey Kincaid to refuse to honor an ICE detainer and release him into the community.¹² One day later, Morales-Ortez allegedly murdered a man in Reston, Virginia, and has now been charged with second-degree murder.¹³

Under your office’s pro-crime, pro-illegal immigration policies, which you allege

⁴ Nick Minock, *ICE arrests man accused of assaulting woman after Fairfax Co. cuts plea deal, releases him*, ABC 7 NEWS (Apr. 30, 2025, 9:36 AM), <https://katv.com/news/nation-world/virginia-crime-illegal-alien-person-guatemalan-native-wilmer-ramos-giron-violent-offender-arrest-ice-immigration-agents-charged-fairfax-county-stangulation-assault-woman-abduction-steve-descano-plea-deal-trump-administration>.

⁵ *Id.*

⁶ Aimee Cho & Julie Carey, *Officers detain man in ICE enforcement on National Mall as he screams for help*, NBC 4 WASHINGTON (Aug. 21, 2025, 4:36 PM), <https://www.nbcwashington.com/news/local/officers-detain-man-in-apparent-ice-enforcement-on-national-mall-as-he-screams-for-help/3977693/>.

⁷ *Id.*

⁸ Jared Wenzelburger, *ICE arrests Honduran national in Fairfax following dismissal of local criminal charges*, FAIRFAX TIMES (May 9, 2025), https://www.fairfaxtimes.com/articles/ice-arrests-honduran-national-in-fairfax-following-dismissal-of-local-criminal-charges/article_073b9d0a-734f-4050-aaa4-f0313721b5be.html.

⁹ *Id.*

¹⁰ Tom Roussey, *Man illegally in the US with criminal history now charged in Reston homicide*, ABC 7 NEWS (Dec. 18, 2025, 5:49 PM), <https://wjla.com/news/local/reston-deadly-shooting-marvin-morales-ortez-el-salvador-ms-13-gunner-suspect-fairfax-county-police-department-manhunt-investigation-drone-unit-k9-special-operations-school-lockdown-dogwood-elementary-school>.

¹¹ Nick Minock, *Accused MS-13 member facing charges in Reston shooting has history of dropped cases*, ABC 7 NEWS (Dec. 19, 2025, 12:45 PM), <https://wjla.com/news/local/accused-ms-13-member-facing-charges-in-reston-shooting-has-history-of-dropped-cases-marvin-morales-ortez-fairfax-county-commonwealths-attorney-steve-descano>.

¹² Roussey, *supra* note 10.

¹³ *Id.*

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“protect[] immigrant communities,”¹⁴ illegal alien criminals are allowed to freely operate, terrorize local communities, and reoffend without consequences. Given the dangerous nature of these sanctuary policies, the Committee is concerned about the Fairfax County Commonwealth’s Attorney’s Office’s role in undermining public safety and shielding criminal aliens from immigration enforcement. Accordingly, to assist the Committee with its continued oversight of federal immigration policy and to inform potential legislative reforms to address sanctuary policies, we ask that you provide the following information:

1. All documents and communications referring or relating to the Fairfax County Commonwealth’s Attorney’s Office’s interaction with Immigration and Customs Enforcement for the period January 1, 2020, to the present;
2. All documents and communications referring or relating to the Fairfax County Commonwealth’s Attorney’s Office’s policies related to the prosecution of non-U.S. citizens;
3. All documents and communications referring or relating to the Fairfax County Commonwealth’s Attorney’s Office’s policies related to bond for non-U.S. citizens; and
4. All documents and communications between or among the Fairfax County Commonwealth’s Attorney’s Office and the Fairfax County Sheriff’s Office referring or relating to Immigration and Customs Enforcement for the period January 1, 2020, to the present.

Please provide the information requested as soon as possible but no later than 5:00 p.m. on January 29, 2026. The Committee is authorized to conduct oversight of federal immigration law pursuant to the Rules of the House of Representatives.¹⁵ If you have any questions, please contact Committee staff at (202) 225-6906. Thank you for your prompt attention to this matter.

Sincerely,



Jim Jordan
Chairman



Tom McClintock
Chairman
Subcommittee on Immigration
Integrity, Security, and Enforcement

cc: The Honorable Jamie Raskin, Ranking Member
The Honorable Pramila Jayapal, Ranking Member, Subcommittee on Immigration
Integrity, Security, and Enforcement

¹⁴ Steve Descano for Commonwealth’s Att’y, <https://stevedescano.com/community>.

¹⁵ Rules of the U.S. House of Representatives, R. X (2025).