

DATA MATTERS

FAIRFAX COUNTY AND NATIONAL DATA SUPPORT LOCAL POLICIES AGAINST VOLUNTARY COOPERATION WITH ICE

For submission to the US House Judiciary Subcommittee on Immigration Integrity, Security, and Enforcement

The immigration system is broken and must be fixed by Congress. Denying constitutional rights to persons that ICE suspects are unauthorized is not the solution.

The term “sanctuary” means different things to different speakers. We use the term “noncooperation policy” to describe policies that have been adopted in jurisdictions such as [Fairfax County VA](#) to limit *voluntary* cooperation with ICE. These policies mandate compliance with federal and state law; any individual who has a judicial warrant authorizing their arrest will be transferred to ICE. Informal requests such as administrative detainers or warrants, however, are not honored.

An analysis of the extent, if any, that noncooperation policies play in violent crime should be *evidence based*. Starting in 2018, ACLU People Power Fairfax has obtained data from the Fairfax Sheriff’s Office on all immigrants subject to ICE detainers booked into the jail. We collected anonymized data on the crime charged, whether a judicial or administrative warrant was filed by ICE and the case status at the time of release or transfer (e.g., convicted, released on bond, or not convicted).

The results of our analysis of that data, as well as relevant national data, are set forth below. The analysis shows that noncooperation protects public safety while ensuring all residents are afforded their constitutional rights. As a threshold matter, we briefly discuss the constitutional infirmities of ICE administrative detainer requests and the false arrests and improper deportations they lead to.

Honoring ICE civil administrative detainers violates due process

Most immigration violations are civil, not criminal. ICE largely relies on self-generated administrative warrants or detainers (together, “detainers”). [Compliance with these requests is voluntary](#). These check box forms have not been independently verified by a court of law.

- Administrative detainers issued by ICE staff are often [fraught with error](#), e.g., based on a common name or faulty facial recognition or simply racial profiling.
- As many as [20,000 U.S. citizens were wrongfully detained or deported](#) over 8 years. Immigrants with [green cards and visas](#) authorizing their presence (e.g. students) are being deported as well.

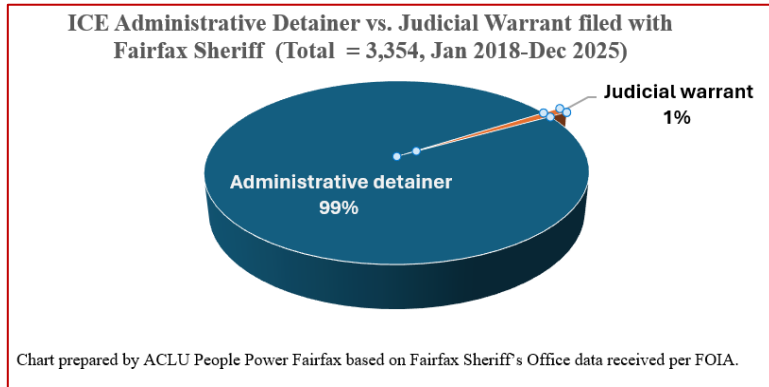
In 2025, the Supreme Court affirmed that immigrants facing deportation are entitled to [due process](#). These 4th and 14th Amendment protections apply not only to direct ICE arrests, but to administrative detainers issued to local law enforcement. Lower courts have ruled that detention on an ICE detainer is [unconstitutional and not enforceable](#). An independent probable cause hearing is needed to honor a warrant.

Pre-trial transfer to ICE also denies inmates of their 6th Amendment right to a fair trial, at which they would be entitled to counsel and can seek to establish their innocence of the alleged crime. Many immigrants face [expedited removal](#); at best, they go through a [dysfunctional](#) administrative hearing system, equivalent to “[death penalty cases in a traffic court setting](#).”

Transferring immigrants to ICE before adjudication of the criminal offense creates a two-tiered judicial system. No native-born offender would be sentenced to life in jail *before* trial.

ICE has failed in its obligation to obtain a judicial warrant for inmates in the Fairfax jail, including those charged with murder and other serious crimes.

Should ICE agents wish to detain an inmate suspected of being unauthorized, all that is required is that they obtain a judicial warrant authorizing arrest. Yet, time and again, they have not done so. From 2018 through 2025, ICE obtained a judicial warrant in **only 1%** of the cases (34).



Type of Detainer	Frequency	%
Administrative detainer	3,320	99%
Judicial warrant	34	1%
Total	3,354	100%

ICE has failed to seek judicial warrants even when the most heinous crimes are involved. From 2018—2025, there were six immigrants charged with *murder or manslaughter*. ICE obtained a judicial warrant for only one of them. It detained one other person without a warrant after they were convicted. See Appendix p. 1.

[ICE receives notice](#) whenever an immigrant is booked into the Fairfax jail for a serious crime. If ICE filed a judicial warrant at that time, the Sheriff would transfer the person to ICE.

This includes the tragic death of *Stephanie Minter*, for which undocumented immigrant Abdul Jalloh was arrested in March 2026. Mr. Jalloh in the past had been convicted of numerous serious felonies and unquestionably would have been transferred to ICE if that agency had filed a judicial warrant. Indeed, [Mr. Jalloh previously was in ICE custody for two years but then released](#) by that agency.

It is unclear what rationale ICE uses to decide when to seek a judicial warrant. Over the seven years tracked, 17 judicial warrants involved felonies and 17 involved misdemeanors. In terms of case status, 15 were for individuals released on bond; the remainder had their cases dismissed or were convicted. See Appendix p. 2.

ICE enforcement is not focused on the “worst of the worst.”

Fairfax data ICE lodged civil detainers against only **4%** of Fairfax arrestees from 2018-2025. See Appendix p. 2. By comparison, [immigrants comprise 28% of the adult Fairfax population](#). More than half of identifiable charges filed for these immigrants were for misdemeanors.

Type of Charge	Frequency	Percent
Felony (F)	1,693	40.8%
Misdemeanor (M)	1,922	46.3%
Felony or misdemeanor	466	11.2%
Not criminal	69	1.7%
Total (charges)	4,150	100.0%

- Common misdemeanors include public drunkenness, no valid drivers' license, simple assault, misdemeanor DWI, petit larceny and trespass.
- The most frequent felony charge was for drug possession, accounting for 23% of all felonies charged. The next most frequent felony charged, grand larceny had fewer than half this amount. (Appendix p. 3.)

The top 10 charges filed from 2018-2025 are listed below. The Appendix pp. 3-4 provides further details.

Ten Most Frequent Charges	Frequency	Percent
Failure to Appear for court proceeding	431	10.4%
Drunkenness (drunk in public/DWI no hit & run)	411	9.9%
Drug-related (no intention to distribute or sell)	398	9.6%
Trespass	196	4.7%
Petit Larceny	190	4.6%
Grand Larceny	172	4.1%
Assault against family member	151	3.6%
No valid operators license	139	3.3%
Simple Assault	124	3.0%
Bail - Violation	115	2.8%
Compare to		
Manslaughter/murder	6	0.1%
Total charges	4,150	

Impact of noncooperation on crime levels in Fairfax Fairfax has had a rigorous [Trust Policy](#) prohibiting voluntary cooperation since 2021. It applies to all county agencies, including the police. Crime in Fairfax remains [extraordinarily low](#). Indeed, Fairfax is considered the [safest jurisdiction](#) of its size in the Country.

Nationwide studies on crime There is good reason why noncooperation has not led to increased crime in Fairfax—it builds trust with the community. The [Policing Institute](#) found that “If local police are perceived as immigration enforcement officers, immigrants—both documented and undocumented— will avoid contact with police because of fear of arrest and deportation of themselves or a family member.” Crime reporting and testimony suffer.

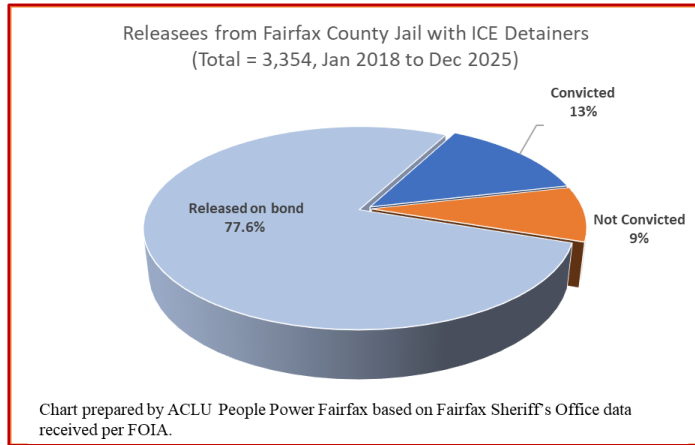
- Research confirms that local collaboration with ICE [does not reduce violent crime](#). Indeed, cooperation siphons-off local resources, which reduces localities’ ability to focus on serious crime.
- Nationwide, immigrant communities have a positive impact on lowering crime. Over a 40 years period where immigrants’ share of the US population doubled, [total crime dropped 60% and violent crime fell 35%](#).
- [Unauthorized immigrants](#) are no more likely to commit crimes than other residents.

Nationwide studies on deportation Noncooperation also does not interfere with deportation of violent criminals. A [2020 study](#) by the National Academy of Sciences found that

- Noncooperation *does not reduce* the rate of “deportations of people with violent convictions.”
- It does, however, reduce “deportations of people with no criminal convictions by half,” thereby protecting local immigrant communities.

Pretrial release can be denied for repeat violent offenders, regardless of immigration status.

Most Fairfax inmates with ICE detainers are released because a judge or magistrate has ordered their pre-trial release on bond. Over 77% of the 3,354 releasees from 2018-2025 fall into this category. This is lower than the overall rate of [83% pretrial release in Virginia](#) (see linked document p. 59).



Status	Frequency	Percent
Convicted	455	13.6%
Not convicted	296	8.8%
Released on bond	2,603	77.6%
Total (individuals)	3,354	100.0%

Judicial officers have the authority to remand inmates to the jail pending adjudication of the charges against them. The officers can deny bond if a person poses an unreasonable danger to the community, taking into account the seriousness of the offense and the accused's criminal history. See VA Code § 19.2-120.

The families of someone killed by a violent offender who had been granted pretrial release and commits a vicious crime, understandably, are unlikely to view this safety mechanism as any solace. There are ways to improve future results, however:

- As noted above, ICE can obtain a judicial warrant pretrial.
- All repeat violent offenders, regardless of immigration status, should be subject to particular scrutiny before released pretrial.

Instead of demonizing immigrants, we should focus law enforcement resources on the "worst of the worst" regardless of immigration status. A violent crime committed by a US citizen is no less harmful to the victim, family and community.

ACLU People Power Fairfax is a grassroots organization that advocates for equitable justice for all members of our community, including undocumented immigrants, regardless of race or ethnicity. We oppose voluntary cooperation with Immigration and Customs Enforcement (ICE) by our local government and seek to reform police and County practices that support systemic racism. We co-lead the successful effort to convince Fairfax County and independent agencies to prohibit voluntary cooperation with ICE. For further information, contact us at aclupeoplepowerfairfax@gmail.com.

APPENDIX

I. ICE Administrative Detainers v. Judicial Warrants Filed with Fairfax County Jail (January 2018 to December 2025)

Type of Detainer	2018	2019	2020	2021	2022	2023	2024	2025	Total
Total detainees	520	401	326	125	291	519	710	462	3,354
Administrative detainer	515	390	324	122	290	517	707	455	3,320
Judicial warrant	5	11	2	3	1	2	3	7	34
Percent judicial warrant	1.0%	2.8%	0.6%	2.5%	0.3%	0.4%	0.4%	1.5%	1.0%

ICE's Response to Notification that an Immigrant has been Charged with Murder (Fairfax County, 2018-2025)			
Date	Status	ICE	
		judicial warrant?	picked up?
Involuntary Manslaughter			
2018, August	Convicted	No	Yes
2023, August*	Convicted	Yes	Yes
2023, November	Bond released	No	No
2025, March	Bond released	No	No
Manslaughter			
2019, September	Convicted	No	Yes
2 nd Degree Murder			
2025, December	Court ordered release	No	No

*By August 2023, the Trust Policy was already implemented.

Notes about data:

- ACLU People Power Fairfax obtained Fairfax County Sheriff's Office data using FOIA starting in August 2018. Information collected for each immigrant with a detainer (on an anonymized basis) includes the crime charged, whether a judicial or administrative warrant was filed by ICE and the case status at the time of release or transfer (e.g., convicted, released on bond, or not convicted).
- The data provided does not differentiate between civil administrative warrants and civil administrative detainees. We include both types in the term "detainers" because that is the most common used with jails. They are functionally equivalent in that they are requests, self-created and not subject to judicial review.
- From August 2018 through December 2020, charges were provided bi-monthly; that is, there are 3 months of charges data in 2018, and 6 months in 2019 and 2020. Thereafter, complete data was obtained.
- Number of charges differs from number of releasees as some releasees had more than one charge applied to them at the time of arrest. Although some releasees were attributed four or more charges attributed to them at the arrest time, only the three initial charges were considered in this report.

Case Status and Type Where Judicial Warrants presented (August 2018 to December 2025)					
Status	Frequency	Percent	Charge	Frequency	Percent
Convicted	13	35.1%	Felony	17	45.9%
Court ordered release	9	24.3%	Misdemeanor	17	45.9%
Released on bond	15	40.5%	Failure to Appear*	3	8.1%
Total judicial warrants			37		
Released to ICE			37		

*Failure to Appear can be a misdemeanor or a felony

II. Fairfax County Police Department (FCPD) Custodial Arrests Compared to Inmates in Fairfax Jail Alleged to be Undocumented by ICE (2022-2025)

The table below compares the total number of individuals subject to custodial arrests by FCPD (i.e., excluding summons/citations) per year to the number of inmates subject to an ICE detainer (indicating ICE’s assertion the person is undocumented) who were released from the Fairfax Adult Detention Center (ADC) during the same period.

Year	FCPD	Sheriff	Percentage
	Arrested Individuals	Undocumented Arrestees	
2022	11,770	291	2.5%
2023	13,983	519	3.7%
2024	13,254	710	5.4%
2025	12,025	462	3.8%
Total	51,032	1,982	3.9%

Data Sources: FCPD: Fairfax County Police, Crime & Traffic Data, downloaded May 10, 2026 from [Crime Data | Fairfax County Police Open Data Portal](#), Arrests Dashboard. The dashboard data starts in 2022. Sheriff: Data obtained from the Fairfax County Sheriff’s Office per FOIA.

On average, over the four-year period, 4% of custodial arrests involved undocumented immigrants. Even this percentage may be overstated for two reasons. First, the FCPD data includes arrests only by its officers. The ADC, however, houses inmates arrested by other local jurisdictions, including Herndon, Vienna, Fairfax City, Virginia State Police Division 7, and the Metropolitan Washington Airports Police. ICE detainers filed against inmates arrested by these other localities are not separated out in the Sheriff’s Data. Second, the ICE detainer is only an allegation of lack of authorization to be in the US, one that after a due process hearing, may be incorrect.

III. Types of Charges Filed Against Undocumented Immigrants in Fairfax Jail (2018 to 2025)

Data on charges started to be released in August 2018, as explained Appendix p. 1. Therefore, of the 3,354 undocumented immigrants arrested between 2018 and 2025, information on charges is provided for 2,615 arrestees. Since some releasees had more than one charge applied to them at the time of arrest, for the 2,615 arrestees, a total of 4,150 charges were analyzed.

Type of Charge	Frequency	Percent
Felony	1,693	40.8%
Misdemeanor	1,922	46.3%
Felony or misdemeanor	466	11.2%
Not criminal	69	1.7%
Total charges	4,150	100.0%

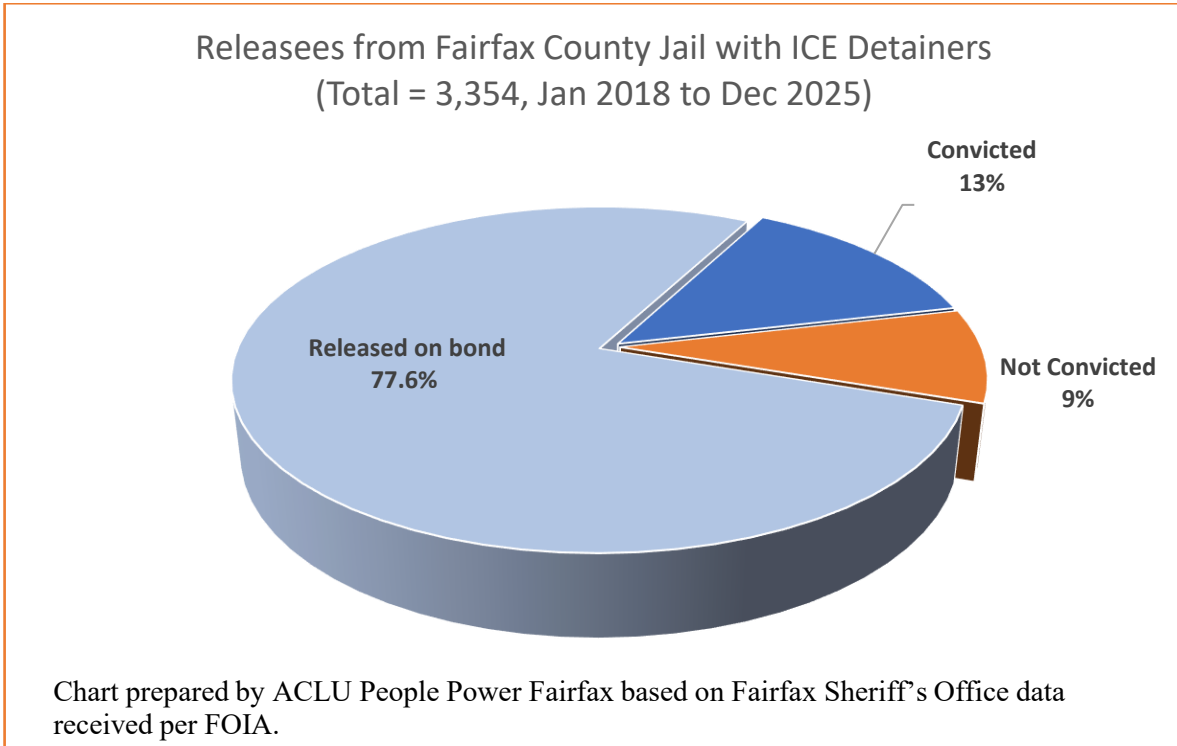
Comparing the most frequent felony charge to the most serious		
Felony charges	Frequency	Percent
Possession of Schedule I/II without intent to sell	385	22.7%
Manslaughter/murder	6	0.3%
All felony charges	1,693	

Most Frequent Charges	Frequency	Percent
Failure to Appear for court procedure	431	10.4%
Drunkenness*	411	9.9%
Drug-related (no intention to distribute or sell)	398	9.6%
Trespass	196	4.7%
Petit Larceny	190	4.6%
Grand Larceny	172	4.1%
Assault against family member	151	3.6%
No valid operators license	139	3.3%
Simple Assault	124	3.0%
Bail - Violation	115	2.8%
Malicious Wounding	112	2.7%
Strangulation	105	2.5%
Abduction by force	97	2.3%
Sexual intercourse with minors	95	2.3%
Resisting arrest	90	2.2%
False ID to law enforcement	70	1.7%
Assault & Battery	68	1.6%
Robbery	63	1.5%
Possess Sch. I/II with intent to distribute	60	1.4%
Credit Card Theft/Fraud	58	1.4%
Hit and Run	49	1.2%
Sub-total	3,194	77.0%
All charges	4,150	

*Drunkenness includes DWI (without hit and run) and Drunk in Public

IV. Case Status at the Time of Release or Transfer of Inmates with ICE Detainers at Fairfax Jail (January 2018 to December 2025)

Status	Frequency	Percent
Convicted	455	13.6%
Not convicted	296	8.8%
Released on bond	2,603	77.6%
Total (individuals)	3,354	100.0%



Note: For further detailed analysis on Sheriff's data on inmates with ICE detainers, see https://drive.google.com/file/d/1ecokkxiOzgU_vwXwb4Yq_3Pk3IT8nl6B/view?usp=sharing