



November 5, 2025

The Honorable Harmeet K. Dhillon
Assistant Attorney General
U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

Re: Request for Investigation into Arlington County for Violations of the Civil Rights Act of 1964

Dear Assistant Attorney General Dhillon:

America First Legal Foundation (“AFL”) is a national, nonprofit organization working to promote the rule of law, ensure due process and equal protection for all Americans, and combat invidious discrimination in the United States. AFL respectfully requests that the Department of Justice Civil Rights Division investigate Arlington County (the “County”) for violating Title VI¹ and Title VII² of the Civil Rights Act of 1964, by unlawfully discriminating on the basis of race. Arlington County’s equity directives apply countywide and require agencies, such as the Arlington County Police Department, to consider race in their employment and policing practices. Disguising its discriminatory actions under the pretext of “racial equity,” Arlington openly defies federal civil rights laws and Executive Orders issued by President Donald J. Trump.³

Police officers across the country put their lives on the line to keep American communities safe. In Arlington County, bureaucrats have embedded “equity” principles throughout the government, including at the Arlington County Police Department, where race is a central consideration in recruitment, hiring, promotion, and retention decisions. These equity priorities affect all aspects of County employment and policing practices, with the explicit goal of achieving a workforce that “reflects the demographic composition of our community” through race-conscious policies.⁴

¹ 42 U.S.C. § 2000d et seq.

² 42 U.S.C. § 2000e-2.

³ See Exec. Order No. 14173, 90 Fed. Reg. 8,633 (Jan. 31, 2025); see generally Exec. Order No. 14151, 90 Fed. Reg. 8,339 (Jan. 29, 2025).

⁴ Arlington County Police Department, *Recruitment Plan* at “Purpose” (Nov. 2024), available at <https://perma.cc/Y2XP-9BF5>.

I. Arlington Bases Employment Decisions on Race

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities operated by entities receiving federal financial assistance. Yet, Arlington County's employment policies openly cite race as a basis on which the County engages in discrimination:

- The County's Equal Employment Opportunity Policy requires that "The County Manager must consider affirmative action in all personnel actions,"⁵ and authorizes "giving preferential consideration to women or members of a minority group when there is a strong basis in evidence for doing so."⁶
- The County's Affirmative Action Plan establishes "underutilization goals" based on race for specific job groups, including goals to increase minority representation in the "Senior Administrators" job group from 35.23% to 45%, and minority representation in "Police Officers" from 27.38% to 38%.⁷
- The Affirmative Action Plan explicitly states, "During the year, every good faith effort will be made to meet these placement goals as opportunities arise in recruitment, promotion, and transfers"⁸ and reports on success in meeting race-based quotas.⁹
- The County commissioned a "Barrier Analysis Report" that identifies statistical disparities by race and sex, then recommends race- and sex-conscious interventions to "Promote fairness in external and internal recruitment and hiring processes,"¹⁰ "Encourage Fairness in Promotion Decisions,"¹¹ and "Eliminate Salary Inequities."¹²

The County's express consideration of race in employment decisions violates federal civil rights law.¹³

⁵ Arlington County Board, *Equal Employment Opportunity Policy* § I(B)(2) (June 24, 1995), available at <https://perma.cc/3SVC-ET66>.

⁶ *Id.* at § IV(B)(2). The Policy's Glossary defines "preferential consideration" as "taking into account an employee's or applicant's gender or, membership in a minority group." *Id.* at § VIII.

⁷ Arlington County, *Affirmative Action Program for Women and Minorities* 6–7, available at <https://perma.cc/3TAQ-639L>.

⁸ *Id.* at 4.

⁹ *See, e.g., id.* at 7 ("the County's percentage of movement for hiring and promotion actions for Minorities was 38% demonstrating that the County met the long-term goal" for police officers.).

¹⁰ Arlington County Government, *Barrier Analysis Report* 9 (Feb. 2021), available at <https://perma.cc/A9BH-JMGW>.

¹¹ *Id.* at 12.

¹² *Id.*

¹³ *Alexander v. Sandoval*, 532 U.S. 275, 280–82 (2001).

II. Arlington County's Partnership with the Government Alliance on Race and Equity

Arlington County developed its discriminatory equity policies in partnership with the Government Alliance on Race and Equity (“GARE”). GARE is an advocacy organization that explicitly rejects colorblind governance and instead promotes what it calls “normalizing” conversations about race in government decision-making.¹⁴ GARE’s framework calls for governments to “normalize, organize, and operationalize” racial equity by embedding race-conscious analysis into all government functions.¹⁵

Arlington County joined GARE’s Metropolitan Washington Council of Governors cohort program in 2019.¹⁶ Following this partnership, the County Board adopted an “Equity Resolution” and created a Chief Race and Equity Officer position.¹⁷ The County’s Chief Race and Equity Officer has stated that GARE’s approach focuses on “normaliz[ing] conversations about race” and ensuring that racial equity considerations are embedded throughout county operations.¹⁸

GARE’s philosophy directly contradicts federal civil rights law. GARE teaches that government must “implement racial equity tools” to “change the policies, practices, and procedures that are perpetuating inequities.”¹⁹ This approach assumes that statistical disparities are evidence of discrimination and must be remedied through race-conscious interventions. However, the Supreme Court has repeatedly rejected this logic, holding that statistical disparities alone do not justify race-conscious remedies and that Title VI prohibits intentional discrimination regardless of the stated goal of achieving equity. Arlington County’s adoption of GARE’s framework has led directly to the unlawful policies described in this complaint.

III. Arlington County Police Department’s Discriminatory Recruitment and Employment Practices

Following the County’s equity directives, the Arlington County Police Department also appears to be violating federal civil rights laws by engaging in prohibited discrimination — all in the name of ensuring diversity and inclusion in policing. The Department’s Recruitment Plan explicitly states demographic engineering as its primary goal.

The Arlington County Police Department’s Recruitment Plan declares: “The goal of the department is to be fully staffed with a sworn workforce that reflects the

¹⁴ Government Alliance on Race and Equity, *Our Approach*, <https://perma.cc/K2BR-X2EZ>.

¹⁵ *Id.*

¹⁶ Arlington County Government, *Arlington County’s GARE Cohort*, <https://perma.cc/N9XQ-VTKR>.

¹⁷ See All in Arlington, *Arlington Spotlights: Samia Byrd*, <https://perma.cc/EQ5Z-HB8H>.

¹⁸ Joe Supervielle, *Four Goals to Realize a Commitment to Equity*, International City/County Management Association (Jan. 25, 2021), <https://perma.cc/QUA8-35XB>

¹⁹ Government Alliance on Race and Equity, *Our Approach*, <https://perma.cc/K2BR-X2EZ>.

demographic composition of our community.”²⁰ To achieve this explicitly race-conscious objective, the Department:

- Creates “recruitment advertisements and literature that represent the diversity of the community and department” and utilizes “marketing to reach underrepresented populations within the department’s targeted recruiting demographics.”²¹
- Expands recruitment specifically to “Historically Black Colleges and Universities (HBCU), Hispanic Serving-Institutions (HSI) and other minority serving higher education institutions.”²²
- Hosts webinars titled “Women in Law Enforcement, Being Hispanic in Law Enforcement, Being Black in Law Enforcement, Being Asian in Law Enforcement, and being LGBTQ+ in Law Enforcement.”²³
- Tracks the “Drop Rate” of applicants by demographic group to “ensure the hiring and training processes are fair, reasonable, and do not place undue burdens on applicants from underrepresented groups.”²⁴
- Reviews “promotional processes” to “ensure they are fair, assessable, and do not create barriers to promotion for female or minority candidates.”²⁵

While outreach to expand applicant pools can be lawful, the Arlington County Police Department’s express goal of achieving a workforce that “reflects the demographic composition of our community”²⁶ demonstrates these efforts are part of an unlawful race-conscious employment scheme. The Department is targeting recruitment, monitoring outcomes, and adjusting processes based on achieving specific racial demographics. This violates Title VI’s prohibition on intentional discrimination.

Arlington County’s discriminatory policies have real-world consequences. In September 2024, a male sex offender was permitted to use the girls’ locker room at Washington Liberty High School in Arlington County for months because he claimed to be transgender—a direct result of the County’s policy allowing individuals to use facilities based on their claimed “gender identity.” The individual ultimately exposed his genitals to a 9-year-old girl. This incident demonstrates how Arlington County’s

²⁰ Arlington County Police Department, *Recruitment Plan* at “Purpose” (Nov. 2024), available at <https://perma.cc/Y2XP-9BF5>.

²¹ *Id.* at “Recruiting Strategies.”

²² *Id.*

²³ *Id.*

²⁴ *Id.* at “Retention Strategies.”

²⁵ *Id.*

²⁶ *Id.* at “Purpose.”

race- and sex-conscious policies not only violate federal civil rights law but also compromise student safety.²⁷

Arlington County Government and the Arlington County Police Department are recipients of federal financial assistance and are therefore subject to Title VI. The County's express consideration of race in employment, recruiting, hiring, promotion, and retention decisions constitutes intentional discrimination prohibited by Title VI and Title VII.

IV. Request for Investigation

Diversity, equity, and inclusion policies are divisive, destructive, and inherently unfair parts of any organization. Arlington County has embedded divisive and discriminatory, race-centric concepts of equity countywide and throughout all aspects of agencies like the Arlington County Police Department. The County's policies expressly authorize and require consideration of race in employment decisions, in direct violation of Title VI and Title VII.

Accordingly, we ask that your office investigate the allegations in this complaint to ensure Arlington County's full compliance with Title VI and Title VII of the Civil Rights Act of 1964 and to take all actions necessary to remedy the unlawful practices and procedures and seek all appropriate relief under federal law.

Thank you for your attention to this crucial matter. Please do not hesitate to contact us for further information.

Sincerely,

/s/ Alice Kass

America First Legal Foundation

²⁷ America First Legal Foundation, *Request for Investigation Regarding Violations of Title IX of the Higher Education Act of 1972 by the K-12 Public-School Systems in Alexandria City, VA; Arlington County, VA; Fairfax County, VA; Loudon County, VA; and Prince William County, VA* 1 n.1 (Feb. 3, 2025), <https://perma.cc/JXV9-4XEK>.