



**Office of the General Counsel**  
**Maryland-National Capital Park and Planning Commission**

**Memorandum**

TO: The Maryland-National Capital Park and Planning Commission

VIA: Debra Borden, Acting General Counsel

FROM: Elizabeth L. Adams, Senior Counsel

CC: Adrian R. Gardner, General Counsel  
Asuntha Chiang-Smith, Executive Director  
Mike Riley, Director Montgomery Parks  
Bill Tyler, Director Prince George's Department of Parks & Recreation  
Chief Stanley Johnson, Prince George's Park Police Division  
Chief Daryl McSwain, Montgomery Park Police Division

Date May 9, 2022

SUBJECT: Memorandum of Understanding, United States Capitol Police

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I. RECOMMENDATION

Authorize the execution of the MOU Deputizing our Park Police Officers to assist with Joint Law Enforcement Events (“JLEE”) for the United States Capitol Police (“USCP”), as set forth in **Attachment A**. Both Divisions have participated in events assisting the USCP and are honored to be able to assist with JLEE as needed or requested. Simply stated, both Divisions take great pride in participating in these important National events.

II. BACKGROUND

Both Park Police Divisions have been asked by the USCP to assist with past and future JLEE. To permit our officers to participate, they must be deputized to act with Federal Law Enforcement Authority. Additionally, the MOU provides for each division to obtain reimbursement for expenses incurred by the Commission in participation with JLEE. Maryland law permits this extra-territorial authority in accordance with existing statute.

### III. LEGAL AUTHORITY

Pursuant to Md. Code, Criminal Procedure §2-105 “Mutual Aid Agreements” requires that any agreement which extends the police powers of our officers is to be authorized by the Commission’s governing body.

### IV. DISCUSSION OF MOU

This MOU is intended to create participation and coordination between the USCG regarding the planning, training, coordination of resources, public relations, and security for upcoming events. Day to Day operations and administration of the JLEE will be conducted by MPD; while responsibility for our individual police officers remains with the Commission. However, for purposes of the JLEE and only for the time necessary for the performance of the JLEE’s duties, our Officers will be deputized as USCP Deputy Officers. Once deputized, our Officers will have the authority to perform necessary law enforcement steps to keep the peace; enforce D.C. and federal laws; and protect officials, guests, and dignitaries.

In the unfortunate event that one of our Officers is harmed in the course of these duties, they will have a remedy pursuant to Title 5 U.S.C. §8101 (Federal Workers’ Compensation). In the event of a tort claim is made against one of our Officers, the Federal Tort Claims Act may provide coverage, and our Officers may seek representation by the US Attorneys’ Office.

Additionally, during the course of the JLEE, Commission equipment/property, such as vehicles or horses, may be used. The Commission would be responsible for any negligent act or omission on the part of the Commission’s employees in the use of this property/equipment.

Finally, while the Commission would assume the personnel costs of its participating Officers, USCP will provide reimbursement of those costs.

### V. CONCLUSION

Both Chiefs join in requesting the Commission authorize the MOU pursuant to Md. Code, Criminal Procedure §2-105.