

**THE TOWN OF FOREST HEIGHTS  
RESOLUTION 26-22**

**A RESOLUTION OF THE TOWN COUNCIL OF FOREST HEIGHTS, MARYLAND TO  
APPROVE A MEMORANDUM OF UNDERSTANDING WITH THE UNITED STATES  
MARSHALS SERVICE FUGITIVE TASK FORCE FOR NON-FEDERAL AGENCIES  
AND AUTHORIZING THE CHIEF OF POLICE TO SIGN THE MEMORANDUM OF  
UNDERSTANDING ON BEHALF OF THE TOWN**

Introduced by Mayor Calvin Washington

**WHEREAS**, pursuant to the authority set forth in the Code of Maryland (the "Code"), at Section 2(b) of Article 23A, the Town has established the Town of Forest Heights Police Department to protect the health, safety, and general welfare of the public within the territorial limits of the Town ("Town Limits"); and

**WHEREAS**, the Charter of the Town of Forest Heights (the "Charter"), Section 33-20(b)(11) and (25) authorizes the Council to make agreements with other governmental authorities for the joint performance of or for cooperation in the performance of any governmental functions; and

**WHEREAS**, the Charter, Section 33-90 further authorizes the Mayor and Council to pass certain legislation of a non-permanent nature regarding an administrative matter by resolution in lieu of ordinance; and

**WHEREAS**, the United States Marshals Service (USMS) pursuant to 28 U.S.C. § 566(e)(1)(B). As set forth in the Presidential Threat Protection Act of 2000, codified at 34 U.S.C. 41503, and directed by the Attorney General, the USMS has been granted authority to direct and coordinate permanent Regional Fugitive Task Forces consisting of federal, state, and local law enforcement authorities for the purpose of locating and apprehending fugitives.

**WHEREAS**, the authority of the USMS to investigate fugitive matters as directed by the Attorney General is set forth in 28 USC § 566. The Director's authority to direct and supervise all activities of the USMS is set forth in 28 USC § 561(g) and 28 CFR 0.111. The authority of United States Marshals and Deputy U.S. Marshals, "in executing the laws of the United States within a State ... [to] exercise the same powers which a sheriff of the State may exercise in executing the laws thereof" is set forth in 28 USC § 564. Additional authority is derived from 18 USC § 3053 and Office of Investigative Agency Policies Resolutions 2 & 15.

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**WHEREAS**, Additional authority is derived from the Attorney General's Memorandum, Implementation of National Anti-Violent Crime Initiative (March I, 1994); Attorney General's Memorandum, Policy on Fugitive Apprehension in FBI, and DEA Cases (dated August 11, 1988); Memorandum of Understanding between the Drug Enforcement Administration and the United States Marshals Service (dated September 28, 2018, or as hereafter amended); and Federal Rules of Criminal Procedure 41 - Search and Seizure.

**WHEREAS**, the primary mission of the task force is to investigate and arrest, as part of joint law enforcement operations, persons who have active warrants for their arrest. The intent of the joint effort is to investigate and apprehend federal, local, state, tribal, and territorial fugitives, thereby improving public safety and reducing violent crime.

**WHEREAS**, the Council finds that the purpose of this MOU is consistent with advancing the interest of the Town to promote the health, safety, and welfare of the Town's residents, and is in keeping with the general welfare clause of Section 33-21 of the Charter.

**NOW THEREFORE BE IT RESOLVED**, that the Town Council hereby approves and ratifies the "Memorandum of Understanding" dated revision 6/2021 between the United States Marshals Service (USMS) and the Town of Forest Heights to provide joint law enforcement operations, attached hereto as Exhibit A and incorporated by referenced herein (the "MOU"); and

**BE IT FURTHER RESOLVED**, the Town Council further delegates to the Chief of Police the requisite authority to execute said MOU on behalf of the Town including any appropriate indemnification or liability release forms deemed necessary, and that the MOU shall be deemed to be approved, and authorized as of the effective date of this Resolution, and

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately upon passage.

PASSED this 20 day of February 2022.

APPROVED: By Resolution of the Town Council of The Town of Forest Heights, Maryland

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ROLL CALL VOTE

YEA/NAY/ABSTAIN/ABSENT

WASHINGTON

YES

KENNEDY II

YES

NOBLE

YES

BARNES

YES

HINES

YES

LILLY

YES

ATKINSON

YES

ATTEST:

THE MAYOR AND COUNCIL OF THE TOWN  
OF FOREST HEIGHTS, MARYLAND

SIGNATURE ON FILE

Sherletta Hawkins, Town Clerk

SIGNATURE ON FILE

By:

Calvin Washington, Mayor

By:

SIGNATURE ON FILE

Taunya Hines, Council President

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the 20 day of April 2022 with 6 Aye votes and 0 Nay votes the aforesaid Resolution 27-22 passed.

SIGNATURE ON FILE

Sherletta Hawkins, Town Clerk

EXHIBIT A: United States Marshal Service Fugitive Task Force Memorandum of Understanding for Non-Federal Agencies (Rev. 06/2021)

EXHIBIT B: United States Marshal Service Fugitive Task Force (RFTF) Congressional Report (April 2021) [Law Enforcement Sensitive]