

STATEMENT OF ROBERT MACLEAN, ACTING CHIEF, UNITED STATES PARK POLICE, BEFORE THE SUBCOMMITTEE ON GOVERNMENT OPERATIONS, OF THE HOUSE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, CONCERNING THE FEDERAL GOVERNMENT'S RESPONSE TO THE POTENTIAL DECRIMINALIZATION OF THE DISTRICT OF COLUMBIA'S MARIJUANA POSSESSION LAWS.

MAY 8, 2014

Mr. Chairman and members of the Subcommittee, I appreciate the opportunity to appear before you today to discuss the United States Park Police (USPP) response to the potential decriminalization of certain marijuana possession laws in the District of Columbia.

The United States Park Police, established in 1791, is the oldest uniformed Federal law enforcement agency in the United States. The USPP has enjoyed a long history of partnership with the citizens of the District of Columbia and the Metropolitan Police Department. In addition to performing the normal crime prevention, investigation, and apprehension functions of an urban police force, the USPP is responsible for safety and crime prevention in all parklands administered by the National Park Service (NPS), including its famous monuments and memorials. In the District of Columbia, USPP have primary jurisdiction over Federal parkland, which includes the National Mall, East and West Potomac Parks, Rock Creek Park, Anacostia Park, McPherson Square, and many of the traffic circles and smaller triangle parks throughout the District. Together, Federal parkland comprises approximately 22% of the District of Columbia.

The USPP is a law enforcement unit of the National Park Service, Department of the Interior. The USPP jurisdiction is usually set by Congressional legislation. In that regard, officers of the USPP are authorized under 16 U.S.C. § 1a-6(b)(1) to “make arrests without warrant for any offense against the United States committed in [their] presence” within areas of the National Park System. Further, two Acts of Congress (22 Stat. 243 and 41 Stat. 364) now codified at D.C. Code § 5-201, provide that USPP officers have the same powers and duties as Metropolitan Police Department officers in the District of Columbia.

With regard to violations of marijuana laws dealing with simple possession, USPP enforcement is left to the sound discretion of the individual officer on the ground, depending on the individual circumstances he or she encounters. In the event that an individual is arrested for simple possession of marijuana by a USPP Officer within the District of Columbia, the arrestee can be currently charged under D.C. Code § 48-904.01. Under the current D.C. law, simple possession of marijuana is a misdemeanor with a penalty of incarceration of up to six months and a fine of not more than \$1,000. If the violation occurs on Federal parkland, the arrestee can be charged under the NPS's regulation at 36 C.F.R. § 2.35(b), which is a misdemeanor with a possible penalty of incarceration of up to 6 months and a fine of not more than \$5,000. Finally, marijuana

is a Schedule I controlled substance under 21 U.S.C. § 812(c), the possession of which is a misdemeanor under 21 U.S.C. § 844(a). In the event of a conviction, the sentence is determined by the court.

Between 2010 and 2012, about 55% of the USPP arrests on marijuana charges in the Washington Metropolitan area occurred on Federal parklands within the District of Columbia. The majority of these arrests were for simple possession, with a few arrests for possession with intent to distribute.

We understand that the District of Columbia Marijuana Possession Decriminalization Amendment Act of 2014 would amend only District law. It would not alter the NPS regulation or Federal law on marijuana. We also understand that the D.C. Act would still make it a misdemeanor to smoke marijuana in a public space or park, with a penalty of incarceration for not more than 60 days or a fine. If the D.C. Act becomes law, then we will work closely with the U.S. Attorney's Office for the District of Columbia to determine our future enforcement options, especially if the person is on Federal parkland and acts in violation of NPS regulation.

Mr. Chairman, this concludes my statement. I would be pleased to respond to any questions you or the other members of the subcommittee may have.