



U.S. Department of Justice  
United States Marshals Service  
Operations Support Division

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**Mar 02 2026**  
S.C. SUPREME COURT

Washington, DC 20530-0001

August 21, 2025

MEMORANDUM FOR THE DEPUTY ATTORNEY GENERAL

FROM: FLORIANO WHITWELL ACTING ASSISTANT DIRECTOR FLORIANO WHITWELL  
Digitally signed by FLORIANO WHITWELL  
Date: 2025.08.21 14:47:40 -04'00'

SUBJECT: Special Deputation Request

PURPOSE: To obtain the Deputy Attorney General's approval or disapproval for the Special Deputation of National Guard Service Members.

**DAG DECISION REQUESTED BY:** August 21, 2025; Date requested to ensure adequate time for recipients to be deputized and execute required duties.

**REQUIRED DUE DATE:** August 21, 2025.

**EXECUTIVE SUMMARY:** A decision regarding Special Deputation is requested by the United States Marshals Service (USMS) to grant federal law enforcement authority to United States National Guard (USNG) Service Members (SM) who have been mobilized by the U.S. Secretary of Defense to support the Metropolitan Police Department (MPD) and other Federal law enforcement agencies to help lower the crime rate in Washington, DC.

This is a Category 7 request for Special Deputation.

**DISCUSSION:** A Special Deputation request has been submitted for the USNG to assist MPD and other Federal law enforcement agencies in the Make D.C. Safe and Beautiful Again Surge Operation.

The duties the National Guard (NG) SMs are expected to perform require law enforcement authority which they currently lack. Special Deputation would confer the law enforcement authority needed to perform those duties.

Given that the President has exercised his power under section 740(a) of the D.C. Home Rule Act (Section 1-207.40 of the D.C. Code), and MPD is now in support of the Attorney General of the United States, the Secretary of the Army will determine DCNG missions in support of MPD based on information from the Attorney General of the United States.

DCNG personnel and out-of-district SMs supporting Federal law enforcement agencies in Washington, DC, will be armed with their service issued weapons while on duty as directed in the accompanying memorandum issued by the Secretary of Defense. NG SMs are not authorized

Memorandum for the Deputy Attorney General  
Subject: Special Deputation Request

Page 2

to effect arrests or engage in other similar direct law enforcement activity. This restriction does not preclude the Secretary of the Army from authorizing the use of NG personnel to conduct the full range of civil disturbance operations, short of arrest. All NG SMs are required to adhere to the DCNG Rules for the Use of Force (RUF).

Due to the exigency of the NG's mobilization in support of this operation, the USMS cannot provide a roster of NG SMs applicants seeking Special Deputation. The USMS will rely on certification from the NG that all personnel who have and will receive a special deputation through the USMS are in good standing with the USNG and are not currently the subject of a misconduct investigation.

The deputations will be active from August 21, 2025, through September 25, 2025.

Pursuant to the Deputy Attorney General's (DAG) memorandum dated December 9, 1999, the DAG retains authority in seven categories of Special Deputations. This request falls within Category 7, where the deputation sought is sufficiently controversial or subject to sufficient policy concerns that it should be reviewed by a higher authority.

**CONSULTATION:** None.

**OTHER STAKEHOLDERS:** None.

**RECOMMENDATION:** The USMS recommends that the DAG approve this request for Special Deputation of NG SMs to authorize them to assist MPD and the other Federal law enforcement agencies in support of the Make D.C. Safe and Beautiful Again Surge Operation. Any approved deputation shall limit the authority as follows: To protect federal property and functions in the District of Columbia and to support other Federal law enforcement agencies; Not authorized to searches, seizures, arrests, or other similar functions; Not valid off duty.

Memorandum for the Deputy Attorney General  
Subject: Special Deputation Request

Page 3

APPROVE: Joseph B. Gunde 8/22/25

Concurring Component(s):  
None

DISAPPROVE: \_\_\_\_\_

Non-concurring Component:  
None

OTHER: \_\_\_\_\_

Attachments

- Employment Guidance for the DCNG and Out-of-District NG SMs
- DCNG Mobilization Order