



Lexington-Fayette Urban County Government  
DEPARTMENT OF PUBLIC SAFETY

Linda Gorton  
Mayor

Kenneth Armstrong  
Commissioner

TO: Mayor Linda Gorton  
Urban County Council

*Lawrence B. Weathers*

FROM: Chief Lawrence B. Weathers  
Lexington Police Department

CC: Commissioner Kenneth Armstrong  
Department of Public Safety

DATE: August 17, 2020

SUBJECT: Memorandum of Understanding – Department of Veterans Affairs

---

### Request

Authorization to enter into a Memorandum of Understanding (MOU) with the Department of Veterans Affairs.

### Why are you requesting?

The attached MOU is regarding patrolling and policing responsibilities for the properties assigned for the Burr Initiative EUL (Victory Point Apartments).

1. Continuing questions regarding the duties and jurisdictional constraints of police officers at the Lexington Veterans Affairs Health Care System (Lexington VAHCS) with regard to properties leased and occupied by private entities pursuant to the general provisions of the VA Enhanced Use Leasing Authority (EUL) sections 8161-8169, title 38, United States Code (USC), necessitate clarification of the jurisdictional authority to enforce federal law on leased property.
2. The VA property in Lexington, specifically the Franklin Sousey Division located at 2250 Road, maintains concurrent jurisdiction with the city of Lexington and State of Kentucky and emergency responder duties are similarly shared between state and local authorities and VA.
3. EUL authority allows VA to out-lease real estate under its jurisdiction and control to private or state entities for development. These partnerships with community, state, and private entities are a valuable and innovative tool that provides an expanded range of services to those individuals and families in need that would otherwise be unobtainable.
4. The EUL properties, Victory Point Apartments, at 141 Opportunity Way are all within the confines of the Franklin Sousey Campus. Therefore, VA Police retain authority to enforce federal law and regulations upon the property. Accordingly, in an emergency situation or if no state or local law enforcement agency is available for response, VA Police can respond to an emergency on EUL property and would do so under the full

police authority conferred by 38 USC 901 and pursuant to 38 CFR 1.218(a), as the subject properties remain “under the charge and control” of VA.

5. Although VA Police have statutory authority to provide police services on EUL properties located on the Lexington VAHCS Franklin Sousey Campus, the EUL properties pay local taxes to LFUCG for police and fire services. Therefore, VA Police will not actively patrol EUL properties and will respond there only in emergency situations. Lexington-Fayette Urban County Government (LFUCG) Police, via agreement between LFUCG and Lexington VAHCS, will provide primary policing services to the EUL. Should Lexington VAHCS Police be called to respond to the EUL properties, they will secure the scene and make it as safe as possible, detain any individuals necessary, and wait for LFUCG Police to respond and take control of the scene.

Upon Council approval and Mayor Gorton signing, please return a signed copy of the document to the Chief’s Office.

**What is the cost in this budget year and future budget years?** No budgetary impact

**Are the funds budgeted?** N/A

**File Number:** 0798-20

**Director/Commissioner:**       **Lawrence B. Weathers, Chief**  
  **Lexington Police Department**

LBW/rmh