

EXHIBIT B



U.S. Department of Justice
Drug Enforcement Administration

www.dea.gov

MEMORANDUM FOR THE DEPUTY ATTORNEY GENERAL

FROM: Timothy J. Shea
Acting Administrator

SUBJECT: Drug Enforcement Administration (DEA) Request for Temporary Designation
of Non-Title 21 Authority Pursuant to 21 U.S.C. § 878(a)(5)

PURPOSE: Approval of Temporary Designation of Non-Title 21 Law Enforcement Authority

TIME TABLE: Immediate

SYNOPSIS: This memorandum seeks approval for the DEA to provide support on a nationwide basis to enforce federal criminal laws in the wake of protests arising from the death of George Floyd. DEA requests this authority on a nationwide basis for a period of fourteen days commencing immediately.

DISCUSSION: On May 25, 2020, George Floyd died in Minneapolis, Minnesota, after a police officer kept his knee on the right side of Mr. Floyd's neck for over eight minutes while Mr. Floyd was handcuffed and lying face down on a city street during an arrest. This incident has spawned widespread protests across the nation, which, in some instances, have included violence and looting. Police agencies in certain areas of the country have struggled to maintain and/or restore order.

DEA investigative authority, as set forth in 28 C.F.R. § 0.100 and in the Controlled Substances Act, is limited to enforcing Federal crimes related to drugs. As the federal crimes being committed in the wake of Mr. Floyd's death are largely not drug-related, DEA's ability to assist our counterparts is limited. Under 21 U.S.C. §878(a)(5), however, the Attorney General is authorized to designate DEA to perform other law enforcement duties as he may deem appropriate. Accordingly, in order for DEA to assist to the maximum extent possible in the federal law enforcement response to protests which devolve into violations of federal law, DEA requests that it be designated to enforce any federal crime committed as a result of protests over the death of George Floyd. DEA requests this authority on a nationwide basis for a period of fourteen days.

If this request is granted, DEA Special Agents and Task Force Officers will, as necessary: (1) conduct covert surveillance and protect against threats to public safety; (2) share intelligence with federal, state, local, and tribal counterparts; (3) if necessary, intervene as Federal law enforcement officers to protect both participants and spectators in the protests; and (4) if necessary, engage in investigative and enforcement activity including, but not limited to, conducting interviews, conducting searches, and making arrests for violations of Federal law.

AUTHORITY: The Attorney General has the authority to assign non-Title 21 enforcement duties to the DEA under 21 U.S.C. § 878(a)(5), which provides, in pertinent part, that the Attorney General may authorize any officer or employee of the DEA to "perform such other law enforcement duties as the Attorney General may designate." This authority has been delegated to the Deputy Attorney General by 28 CFR § 0.15.

RECOMMENDATION: I hereby certify that this temporary delegation of non-Title 21 law enforcement authority is necessary for the conduct of the activity to which it relates and that the activity is necessary for the public safety and welfare. Therefore, your authorization and approval of the described operation is requested.

GERARD
WEINSHEIMER

Digitally signed by
GERARD WEINSHEIMER
Date: 2020.05.31
15:26:12 -0400

APPROVE: _____

Concurring Components

None

DISAPPROVE: _____

Non-concurring Components

None

OTHER: _____

DATE: _____