



Berkeley CITY Council

CONSENT CALENDAR

May 21, 2013

To: Honorable Mayor and Members of the City Council  
From: Councilmembers Darryl Moore and Laurie Capitelli  
Subject: Opposing US Attorney's Forfeiture Action Against Berkeley Patients Group

RECOMMENDATION

That the City Council adopt a resolution opposing the United States Attorney's forfeiture action against Berkeley Patients Group. Send a copy of adopted resolution to President Obama, US Attorney General Holder, US Attorney Melinda Haag and Congresswoman Barbara Lee stating the City Council's position.

BACKGROUND

Since 1999, Berkeley Patients Group (BPG) has served as a national model of the not-for-profit, services-based medical cannabis dispensary. They have helped to shape local, state and national policies around medical cannabis and pioneered scientific regulation of medical cannabis provision through the formation of the California Medical Cannabis Safety Council.

Locally, they have contributed significantly to our community, providing good jobs and paying millions of dollars in taxes. They have improved the lives and assisted the end-of-life transitions of thousands of patients. They have been active supporters of dozens of Berkeley community organizations. In recognition of their outstanding commitment to the community, the City of Berkeley proclaimed October 31<sup>st</sup>, 2009, Berkeley Patients Group Day.

Despite their contributions, on May 3<sup>rd</sup>, 2013 BPG was served with a forfeiture complaint from the US Attorney's office for California's northern district.

During the 2008 campaign, President Obama promised to end raids on licensed medical cannabis dispensaries. Upon taking office, President Obama's Department of Justice issued the Ogden memo, directing US Attorneys not to target medical cannabis providers operating in compliance with state law. Unfortunately, this commitment has not been met. The US Attorney is ignoring the will of the people and continues to attack licensed dispensaries operating in compliance with all state and local laws.

The US Attorney's current forfeiture action against BPG victimizes its patients, many of them Berkeley residents, who rely on it to provide the medication that they most desperately need. Against the recommendations of many State and local officials, the US Attorney has decided to pursue BPG at the cost of diverting resources away from the real issues such as fighting violent crime and getting illegal guns off our streets.

FISCAL IMPACTS OF RECOMMENDATION

Unknown

CONTACT PERSON

Councilmember Darryl Moore, District 2	981-7120
Councilmember Laurie Capitelli, District 5	981-7150

RESOLUTION NO. ##,###-N.S.

Opposing US Attorney's Forfeiture Action Against Berkeley Patients Group

WHEREAS, Since 1999, Berkeley Patients Group (BPG) has served as a national model of the not-for-profit, services-based medical cannabis dispensary, helping to shape local, state and national policies around medical cannabis and pioneering scientific regulation of medical cannabis provision through the formation of the California Medical Cannabis Safety Council; and

WHEREAS, locally, they have contributed significantly to our community, providing good jobs and paying millions of dollars in taxes, improved the lives and assisted the end-of-life transitions of thousands of patients, and been active supporters of dozens of Berkeley community organizations; and

WHEREAS, in recognition of their outstanding commitment to the community, the City of Berkeley proclaimed October 31<sup>st</sup>, 2009, Berkeley Patients Group Day; and

WHEREAS, despite their contributions, on May 3<sup>rd</sup>, 2013 BPG was served with a forfeiture complaint from the US Attorney's office for California's northern district; and

WHEREAS, during the 2008 campaign, President Obama promised to end raids on licensed medical cannabis dispensaries and upon taking office, President Obama's Department of Justice issued the Ogden memo, directing US Attorneys not to target medical cannabis providers operating in compliance with state law; and

WHEREAS, unfortunately, this commitment has not been met and the US Attorney continues to attack licensed dispensaries operating in compliance with all state and local laws; and

WHEREAS, the US Attorney's current forfeiture action against BPG victimizes its patients, many of them Berkeley residents, who rely on it to provide the medication that they most desperately need; and

WHEREAS, against the recommendations of many State and local officials, the US Attorney has decided to pursue BPG at the cost of diverting resources away from the real issues such as fighting violent crime and getting illegal guns off our streets.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley opposes the current forfeiture action of the United States Attorney and urges the Obama administration to abide by the commitment it has made under the Ogden memo, to discontinue targeting medical cannabis providers operating in compliance with state law.