

## **Communication from Public**

**Name:**

**Date Submitted:** 07/18/2019 03:35 PM

**Council File No:** 18-1104

**Comments for Public Posting:**



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Asst. District Attorney Allison Watson, Fmr.  
Tennessee, USA

Detective Sergeant Neil Woods, Ret.  
Derbyshire, England, LEAP UK

Date: March 27<sup>th</sup>, 2019

Re: Item No. 18-1104 - a proposed strategy to restrict the sale of flavored tobacco products to youth and young adults

Position: Oppose

To: Health, Education, Neighborhoods, Parks, Arts, and River Committee

As a retired veteran sergeant of the Los Angeles Police Department, having spent my entire 20 year career in patrol, I know firsthand police culture. My professional experiences form the basis form my opposition to criminalization of menthol tobacco. This ban would disproportionately affect black and brown folks who are the majority users of menthol tobacco.

A ban on menthol tobacco would create additional opportunities for [some] police officers to exacerbate an already contentious relationship between police and marginalized communities of color under the guise of pretextual stops.

The *LA Times* recently reported more than 90% of drivers pulled over for pretextual stops – which use a minor infraction such as a broken taillight (we can always find something) to pull someone over – by the LAPD's Metro Division have been black or Latino<sup>1</sup>.

This abuse has prompted an audit request by Mayor Garcetti of the Inspector General of what has been referred to as “stop and frisk in a car.”

Giving officers even more reason to detain and engage on the basis of a menthol tobacco ban would assuredly lead to encounters that are likely to escalate to the unnecessary use of force, arrests, and possibly deadly force.

As a police supervisor I see the potential for abuse and I oppose the ban.

Cheryl Dorsey  
Retired Los Angeles Police Department Sergeant  
Speaker, Law Enforcement Action Partnership  
PO Box 1131, Corona, CA 92878  
951.523.8190

**LawEnforcementActionPartnership.org**

*Formerly known as Law Enforcement Against Prohibition*

<sup>1</sup> <https://www.latimes.com/local/lanow/la-me-lapd-crime-trends-20190128-story.html>

## **Communication from Public**

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# Baptist Ministers Conference of Los Angeles and Southern California

4269 South Figueroa Street, Los Angeles California 90037  
Office of the President

March 27<sup>th</sup>, 2019

Re: Item No. 18-1104/Proposed strategy to restrict the sale of flavored tobacco products to youth and young adults, including menthol

To: Health, Education, Neighborhoods, Parks, Arts, and River Committee

I am Reverend K. W. Tulloss, president of the Baptist Ministers Conference of Los Angeles and Southern California. I am also president of the Los Angeles Chapter of the National Action Network, created and founded by Reverend Al Sharpton. Since over 80 percent of African Americans who choose to smoke prefer menthol cigarettes, a possible ban on menthol cigarettes will clearly affect African American communities more than other segments of the population in Los Angeles City and County.

The National Action Network does not want people to smoke. We do not want youth to smoke and we want to help people who would like to stop smoking, to quit.

We appreciate the efforts of the Los Angeles County Board of Supervisors to protect the health and well-being of all Angelinos including African Americans. However, a ban on menthol cigarettes in our community would be a repeat of past poor policies. People who choose to consume these products will still do so, regardless of the legality. Youth use of menthol cigarettes is under two percent that is less than non-menthol cigarettes or any other tobacco product. The data from the California Department of Public Health shows that more teens are using non-menthol cigarettes than mentholated cigarettes.

Criminalizing the sale of products people wish to consume only encourages the establishment of an illicit trade to provide these products to consumers who want them. At a time in which we know that interactions between law enforcement and young men and women of color lead all-too-often to tragic results, we should be looking to lessen any negative encounters in our community with law enforcement.

We wholeheartedly support the proven methods of education and treatment to reduce smoking. We urge the Los Angeles City, County Staff and the Board of Supervisors to remove the consideration of a menthol ban from any further discussion about regulating tobacco products in Los Angeles.

Sincerely,

A handwritten signature in blue ink that reads "Rev. K.W. Tulloss". The signature is written in a cursive style and is positioned above a light blue horizontal line.

Rev. K.W. Tulloss  
President, Baptist Ministers Conferences of Los Angeles & Southern California

## **Communication from Public**

**Name:**

**Date Submitted:** 07/18/2019 03:37 PM

**Council File No:** 18-1104

**Comments for Public Posting:**



**LAW ENFORCEMENT  
ACTION PARTNERSHIP**

ADVANCING JUSTICE AND PUBLIC SAFETY SOLUTIONS

121 Mystic Avenue, Suite 9  
Medford, Massachusetts 02155  
T: (781) 393.6985

BOARD OF DIRECTORS

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Date: March 27<sup>th</sup>, 2019

Re: Item No. 18-1104 - a proposed strategy to restrict the sale of flavored tobacco products to youth and young adults

Position: Oppose

To: Health, Education, Neighborhoods, Parks, Arts, and River Committee

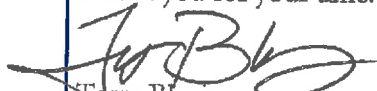
Distinguished members of the Committee,

Thank you for the opportunity to submit testimony. My name is Terry Blevins, and I was a police officer for twelve years and am a representative of the Law Enforcement Action Partnership ([LEAP](http://LEAP.org)), a nonprofit of law enforcement officers working to improve the criminal justice system. I am also a resident and business owner in Los Angeles.

While I applaud the committee's intention of trying to improve the health of young people, my concern with this legislation is that it's not going to eliminate the market for menthol cigarettes and enforcing this law will waste precious police time and resources, impacting our ability to solve and prevent more serious crimes.

In addition, I fear this will only create more antagonism between police and the communities we're sworn to protect and serve. The more encounters we initiate, the more opportunity there is for hostility, and the less effective we are at our jobs. This is especially true because black people are more likely to smoke menthol cigarettes and we already have strained relations with many people of color. If they don't trust us, they don't work with us to solve crimes, and we can't do our jobs.

Thank you for your time.

  
Terry Blevins

**LawEnforcementActionPartnership.org**

*Formerly known as Law Enforcement Against Prohibition*

## **Communication from Public**

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**Date Submitted:** 07/18/2019 03:38 PM

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Asst. District Attorney Allison Watson, Fmr.  
Tennessee, USA

Detective Sergeant Neil Woods, Ret.  
Derbyshire, England, LEAP UK

Date: March 27<sup>th</sup>, 2019

Re: Item No. 18-1104 - a proposed strategy to restrict the sale of flavored tobacco products to youth and young adults

Position: Oppose

To: Health, Education, Neighborhoods, Parks, Arts, and River Committee

As a retired Assistant City Prosecutor and member of the Law Enforcement Action Partnership, I'm very concerned about the unintended consequences of arrests for possessing or selling menthol cigarettes by people of color if this measure were to pass. Increasing enforcement efforts for menthol cigarettes will lead to broader problems with long term negative effects while not stopping kids from smoking.

I support public health efforts, but over the years I've seen too many arrests and prosecutions for minor offenses. This leads to entry into the criminal justice system which opens the door to a discriminatory impact in communities of color. For example, conviction and arrest records can lead to not being able to get a job, student loans, housing, and public benefits.. All of these things can make it more likely that young people unable to support themselves will be forced into crime.

It's time to change aggressive enforcement efforts in the approach to curtail menthol use in teens and adults and instead invest in education and prevention.

Yvette McDowell  
Retired Assistant City Prosecutor, City of Pasadena  
Speaker, Law Enforcement Action Partnership  
715 N Spruce Ave, Rialto, CA 92376  
626-483-4151



## **Communication from Public**

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**Council File No:** 18-1104

**Comments for Public Posting:**



## CALIFORNIA STATE CONFERENCE OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

Esquire Plaza, 1215 K Street, 1609 • Sacramento, CA. 95814 • 916.498.1898 • FAX 916.498.1895

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**Freddye Davis**  
Area Director West

### FLOOR ALERT

**To:** Members of the California State Senate  
**From:** CA-HI State Conference of the NAACP  
**Re:** SB 38 (Hill)  
**Position:** Oppose

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On behalf of the California-Hawaii State Conference of the NAACP (CA- HI NAACP), representing 48 branches and 23 youth units statewide, we express our opposition to SB 38 (Hill), which would ban the sale of flavored tobacco products.

The CA – HI NAACP, advocates against punitive laws that disproportionately affect African Americans. SB 38, includes menthol cigarettes, which is the preferred choice of the over 80% of African Americans who choose to smoke cigarettes.

SB 38 would also authorize an enforcing agency to assess civil penalties to retailers for selling flavored tobacco products, but also has unintended consequences for Black communities. A ban on menthol cigarettes would give police another reason to interact negatively on the retail level or with individual citizens for a low-level, non-violent offense. At a time in which we know that interactions between law enforcement and young men and women of color lead to all-too-often tragic results, we should be looking at a way to lessen any negative encounters in our community with law enforcement.

All Californians under the age of 21 are already banned from purchasing any tobacco products. Prohibiting adults from being able to purchase menthol cigarettes, in an effort to address the sale of tobacco products to minors will principally affect African-American smokers. We believe SB 38 creates another racially discriminatory public policy and will lead to increased crime, targeted enforcement, unfair treatment and illegal street sales.

It is for these reasons the CA-HI State Conference of the NAACP opposes SB 38 (Hill), and urges you to vote “NO” on this measure.

## **Communication from Public**

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**Council File No:** 18-1104

**Comments for Public Posting:**



March 28, 2019

To Whom It May Concern;

Criminal Justice reform is at the center of a national debate among policymakers and others interested in justice and fairness. Of particular note locally is a matter that could set back the fight for reform: the drive to ban menthol cigarettes with little regard for the unintended consequences associated in Los Angeles.

Local government is where the direct impact of public policy can be seen and felt by the individuals it is meant to benefit. Sound public policy requires that elected officials consider the unintended consequences of policy decisions before taking action. Unintended consequences of policy decisions have been seen at the federal level with mandatory minimum sentencing laws, at the state level with “stand your ground” laws, and in cities like San Francisco and others through housing policies that have forced certain populations from their homes.

Ordinances that regulate menthol cigarettes, which African Americans smokers overwhelmingly prefer, differently than non-menthol cigarettes, which White smokers overwhelmingly prefer, is another example of policy decisions that could lead to troubling problems in communities of color.

Some policymakers and advocates have convinced themselves that such restrictions on menthol can be implemented without the aid of law enforcement by simply punishing retailers who sell newly banned products. What those policymakers and advocates fail to understand or refuse to acknowledge is that by pushing menthol cigarettes out of the licensed and regulated retail chain, they are simply forcing tobacco products to underground markets with “entrepreneurs/opportunist” looking to sell their lucrative products to anyone willing to buy, regardless of age.

This newly unfunded mandate and overall bad policy would put law enforcement organizations on the front line of enforcing a public-health issues, diverting resources from higher priority crime problems. Officers would be ultimately responsible for enforcing the ban since menthol cigarettes will be sold illegally on the street. And this illegal activity could likely attract other crime.

Tobacco use is a public-health issue not law enforcement. Cessation will come through public education, including programs for youth and teens. In fact, smoking rates continue to decline and are at historic lows. We must sustain this progress, but it will not come from law enforcement officers forced to fight an underground market that was foreseen and created by bad policy.



Criminal justice reform remains attainable. However, there is real concern that the recent progress made during the Obama era will be rolled back. Small victories for communities' disproportionately impacted by the failed "War on Drugs" may be reversed by prosecutors instructed to seek the harshest possible penalty in all cases, no matter how minor.

In closing, we should not establish nor allow public policy that would move us backward, especially when the unintended consequences are preventable. While those who suggested the menthol ban may have had good intentions, our communities must pursue measures that advance criminal justice reforms and decriminalize our communities, not policies that will make them worse.

With Regards,

Thea Williams  
President  
Los Angeles Black Pride & Promote  
CA State ID #C3940167  
**Fiscal Sponsor – Minority AIDS Project 501c3 #95-41756**