



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

Lieutenant Diane Goldstein, Ret.
Board Chair, Nevada, USA

Asst. State's Attorney Inge Fryklund, Fmr.
Treasurer, Bend, Oregon, USA

Mr. Stephen Gutwillig
Secretary, Los Angeles, California, USA

Professor Jody Armour
Los Angeles, California, USA

Major Neill Franklin, Ret.
Baltimore, Maryland, USA

Captain Leigh Maddox, Ret.
Baltimore, Maryland, USA

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

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

Date: July 23, 2020

Re: SB-793

Position: OPPOSE

To: The California State Assembly Committee on Health

Distinguished Assemblymembers,

Thank you for the opportunity to submit testimony. I write today as a retired narcotics officer and as the executive director of the Law Enforcement Action Partnership (LEAP). LEAP is a nonprofit group of police, prosecutors, judges, and other criminal justice professionals who speak from firsthand experience to endorse evidence-based public safety policies. Our mission is to make communities safer by focusing law enforcement resources on the most serious priorities, promoting alternatives to arrest and incarceration, addressing the root causes of crime, and healing police-community relations. I speak on behalf of more than 5,000 current and retired members of law enforcement across the country. We oppose tobacco bans, including SB-793, because they are an avenue through which police and communities engage in senseless conflict that needlessly erodes public safety and endangers communities of color.

Any time we consider a new law, we must look at the impact these laws have had in other jurisdictions. In New York City, Eric Garner, a father of six, was choked to death by police while being arrested for selling loose cigarettes. In Rancho Cordova, California, an unarmed 14-year-old boy was mounted and punched by an officer after purchasing tobacco illegally from an adult on the street. These situations escalated beyond what any good officer would call reasonable, yet we are still being called upon to address public health issues like tobacco use. These incidents are not isolated. In fact, they have a ripple effect that changes public perceptions of police all over the country.

No matter where a police officer stands on recent events, every officer feels the pressure of unreasonable expectations. We have felt this pressure for decades as we are expected to carry all of society's ills on our shoulders. We

are tired of it. Imagine what would happen if our brave firefighters were suddenly expected to respond to burglaries. If this scenario sounds ridiculous, this is exactly how police feel every day when we respond to a call for service that exceeds our training and abilities.

SB-793 includes a ban on menthol cigarettes, the number one choice among Black smokers.¹ It's easy to predict how such a ban will play out: Just like the War on Drugs has failed to eliminate demand by criminalizing illicit drugs, menthol will continue to be bought and sold regardless of the law. But this ban will create a new class of "criminal," primarily made up of Black smokers, and create more opportunities for harmful and potentially deadly interactions between police and people of color. Low-level enforcement of ineffectual policies makes communities of color fear and resent police.

Public resentment toward police is catastrophic for public safety. People who do not trust police do not report crimes. They do not call for help when they have been victimized. They do not help us solve crimes on their block. Police cannot find perpetrators and arrest dangerous people without information from bystanders. Like all good community-based work, we are dependent on healthy communication and trusting relationships. These strong bonds are noticeably absent in too many places, as recent protests remind us, and bad policy is largely to blame. Menthol is one such policy.

This bill would keep us on the wrong side of history as we once again put reactionary, unscientific policies ahead of reason, strategy, and community safety. If we get this wrong, we will be entering into yet another failed contract with the communities we serve. They will keep consuming flavored tobacco products, and we will keep being expected to solve a public health problem we have no ability to solve.

Major Neill Franklin (Ret.)
Executive Director
The Law Enforcement Action Partnership

¹ <https://www.lung.org/stop-smoking/smoking-facts/tobacco-use-racial-and-ethnic.html>