



# 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

Deputy Chief Wayne Harris, Ret.  
Board Chair, New York, USA

Major Neill Franklin, Ret.  
Treasurer, Maryland, USA

Professor Jody Armour  
Secretary, California, USA

Sergeant Terry Blevins, Fmr.  
California, USA

Chief Mike Butler, Ret.  
Colorado, USA

Chief Brendan Cox, Ret.  
New York, USA

Attorney Nadine Jones  
New Jersey, USA

Corrections Officer Thomas Schoolcraft, Fmr.  
Minnesota, USA

Superintendent Richard N. Van Wickler, Ret.  
New Hampshire, USA

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

## U.S. ADVISORY BOARD

Judge Warren W. Eginton  
Ret. U.S. District Court Judge, Connecticut, USA

Governor Gary E. Johnson  
Fmr. Governor of New Mexico, USA

Judge John L. Kane  
Ret. U.S. District Court Judge, Colorado, USA

Sheriff Bill Masters  
Sheriff, San Miguel County, Colorado, USA

Mayor Kurt Schmoke  
Fmr. Mayor, Baltimore, Maryland, USA

Chief Norm Stamper  
Ret. Police Chief, Seattle, Washington, USA

Mr. Eric Sterling  
President, Criminal Justice  
Policy Foundation, Washington, DC, USA

Mr. Thomas P. Sullivan  
Ret. U.S. Attorney Northern  
Washington, District, Chicago, Illinois, USA

Judge Robert Sweet  
Ret. U.S. District Court Judge, New York, USA

Date: February 16th, 2023

Re: SB259 - Business Regulation - Flavored Tobacco Products - Prohibition

Position: **OPPOSE**

To: Maryland Senate – Finance Committee

Distinguished Senators of Maryland,

Thank you for the opportunity to submit written testimony. I am representing myself and the Law Enforcement Action Partnership (LEAP), of which I am the executive director. 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. My colleagues and I at LEAP oppose SB259 because it is an unscientific, reactionary policy that would have negative public safety outcomes.

I understand why you're considering this legislation. It comes from the same desire I had as a narcotics task force commander to stamp out the drug sales that were causing harm to my community. We are all on the side of public health and safety, but I can practically guarantee that SB259 would take us further from our shared goals.

Having spent 34 years working drug cases for the Maryland State Police and Baltimore Police Departments, I've learned that drug bans (prohibitions) endanger the health and safety of communities even more than drugs themselves.

Banning menthol is not going to make the demand for menthol products go away. We know this because illegal drugs are used by people in every community in every state across this country. What does that say about prohibition? It says that when there is a high demand, an illegal market will fill the void if a legal, regulated market does not. Rather than reduce or eliminate harmful activities, drug bans actually create crime that need police resources to enforce.

**LawEnforcementActionPartnership.org**

Formerly known as Law Enforcement Against Prohibition

It is a well-known fact that over 80 percent of African Americans who smoke prefer menthol cigarettes. There is no factual basis to assert that a menthol cigarette ban will stop African Americans from smoking. In fact, the unintended consequences of such a racially discriminatory ban will set the stage for more negative and counterproductive interactions between law enforcement and African Americans.

Many of us understand the urgent need for dramatic police reform. We understand that many police-citizen encounters “gone wrong” began with a mere traffic stop or street corner field interview. As such, many communities have already begun restricting the police from making minor traffic stops. If passed, SB259 would be counterproductive to the very police reforms we are working so hard to enact. A profitable illicit menthol cigarette market will be born, it will grow, it will promote violent competition among street crews and gangs, and the police will be summoned to manage it. It would give the police one more reason to target black and brown citizens.

Law enforcement leaders like Law Enforcement Action Partnership (LEAP), National Organization of Black Law Enforcement Executives (NOBLE), National Latino Officers Association (NLOA), Grand Council of Guardians, and National Association of Black Law Enforcement Officers (NABLEO) have stated countless times that a ban on menthol cigarettes will have unintended negative consequences, especially for African Americans.

Menthol bans are not neutral policies designed to reduce all types of smoking. If we truly believed that bans would stop smoking, we would outlaw all cigarettes. Instead, by going after menthol products, we only criminalize the selling of tobacco products favored by Black smokers, creating yet another reason for police to go into communities of color. We don't need another Eric Garner, who was stopped by police while selling loose cigarettes illegally and died in police custody and we certainly don't need another Freddie Gray.

Thank you for your time,



Major Neill Franklin (Ret.)

Formerly with the Maryland State Police and Baltimore Police Department