



Berkeley Police Department

CONSENT CALENDAR  
APRIL 12, 2022

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Jennifer Louis, Interim Chief of Police  
 Subject: Revenue Grant: Fiscal Year 2022-2025 Department of Justice Tobacco Grant

RECOMMENDATION

Adopt a Resolution authorizing the City Manager, and/or Chief of Police, to execute a grant contract and any subsequent amendments with the State of California Department of Justice (DOJ) in the amount of \$191,053 for three fiscal years, 2021-22 through 2024-25.

FISCAL IMPACTS OF RECOMMENDATION

The City of Berkeley Police Department (BPD) will be the direct recipient of the grant in the amount of \$191,053 for the fiscal years from 2021-22 through 2024-25. The grant provides \$63,684 per year for three years to support Berkeley Police Department operations and efforts to reduce underage access to tobacco. Grant revenues will be deposited into the Police Department's One-Time Grant Fund. There is no required local match of funds to obtain the grant. Appropriation of the expenditures is being included in the Second Amendment to the Appropriations Ordinance.

CURRENT SITUATION AND ITS EFFECTS

In a recent focus group, middle and high school students in Berkeley told the City that they and their peers need to hear more about the dangers of flavored tobacco and vape products, and that persistent advertising and access to these products can affect their decisions. City staff heard from young people that they are affected by the prevalence and placement of tobacco products in stores. Youth said "you don't have to look for it, it finds you" and "it's in your eyesight, so even if you don't want it, it's in your mind already." They feel inundated by tobacco advertising throughout the Bay Area. The City presently has over 90 licensed tobacco retailers. The City of Berkeley is home to the University of California, with an estimated 42,000 students. With this population comes a plethora of students who are under 21. There are multiple tobacco-licensed establishments concentrated near the UCB campus that create an environment with free and ready access for underage tobacco use. There has not been minimum-age of purchase tobacco enforcement in the City in over 20 years. This grant would aid in establishing a baseline from which data and future planning, in collaboration with our

Health, Housing and Community Services Department (HHCS), could aid in lowering the incidence of underage tobacco use.

BACKGROUND

The Office of the Attorney General established the California DOJ Tobacco Grant Program in 2017 with the goal of awarding grants to local enforcement agencies in California. As of this report the Tobacco Grant Program has furnished upwards of \$124 million dollars in funding to approximately 260 grantees. The City of Berkeley has been at the forefront of municipal legislation geared towards reducing the availability of and access to tobacco products for minors. As of December 2019 the Federal government raised the age restriction for all tobacco, vaping and smoking products from 18 to 21 years of age.

BPD would use this funding to educate youth and businesses about the well documented negative health effects of tobacco use, and enforce under-age tobacco laws against businesses in an effort to reduce and/or prevent underage tobacco related purchases within the City of Berkeley. The education and information about applicable laws and negative health effects, not citation of underage persons, is one of the goals of this grant. For particular businesses that do not comply with state and local regulations, BPD would collaborate with HHCS and the Alameda County District Attorney's Office to bring the business into compliance.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental impacts associated with this report.

RATIONALE FOR RECOMMENDATION

The BPD has been awarded a DOJ Tobacco Grant in the amount of \$191,053 funding the critical need to address underage access to tobacco related products. Without the funding, the BPD would not have the resources to adequately reduce underage access to tobacco products which can be detrimental to the short and long-term health of our minor children and young adults.

ALTERNATIVE ACTIONS CONSIDERED

If the award is not accepted, the City would not be able to provide these vital services to our community.

CONTACT PERSON

Jennifer Louis, Interim Chief of Police, 981-5700

Attachments:

1: Resolution

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

REVENUE GRANT: STATE OF CALIFORNIA DEPARTMENT OF JUSTICE TOBACCO  
GRANT FOR FISCAL YEAR 2022-2025

WHEREAS, the Police Department is committed to providing a safe and secure environment through vigorous law enforcement within the City of Berkeley; and

WHEREAS, underage access to tobacco products is currently a problem within the City of Berkeley; and

WHEREAS, there has been longstanding evidence of the negative health effects to all communities who use tobacco products to persons under the age of 21 throughout the City; and

WHEREAS, underage minors and the young adult community continues to acquire tobacco products through fake identification, merchants who fail to check identification or asking someone to purchase products for them; and

WHEREAS, several tobacco products retailers can be magnets for criminal activity; and

WHEREAS, the police do not have sufficient resources within the existing budget to expand their work on these problems; and

WHEREAS, the Berkeley Police Department desires to undertake a certain project to limit access to tobacco products by minors funded in part from state funds from the California Department of Justice (hereafter referred to as DOJ); and

WHEREAS, the funds have been appropriated into the DOJ Tobacco Grant Program Fund with the agreement that grant funds received hereunder shall not be used to supplant expenditures controlled by this body.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee, is hereby authorized to execute a contract and any amendments or extensions with the State of California in order to accept funds in the amount of \$191,053 from the Department of Justice for the enforcement of tobacco related laws for three fiscal years, FY2021-22, FY2022-23, FY 2023-24 and FY 2024-25.

BE IT FURTHER RESOLVED that any liability arising out of the performance of this contract, including civil court actions for damages, shall be the responsibility of the grant recipient and the authorizing agency. The State of California and Department of Justice disclaim responsibility for any such liability.

