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RECEIVED

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BOARD OF REPRESENTATIVES
CITY OF STAMFORD

December 12, 1996

cc: Maria
Cassone
Randy

Maria Nakian
Chair Person
Legislative and Rules Committee
24th Board of Representatives

Re: Ordinance to Prohibit the Possession of Tobacco
by Minors

Dear Maria:

Sorry for the delay in getting back to you and Representative DeLuca on this interesting issue.

I believe the City is empowered to enact an ordinance to provide for the health of its inhabitants, and that there is sufficient data to support the premises of this ordinance about the danger to the health of minors from the use of tobacco products.

Beyond these issues I would respectfully suggest, however, that you do take into consideration some of the practical implications of adopting such a law, specifically those related to effective and meaningful enforcement, and both the economic and administrative costs such a law would entail regardless of whether it proves effective in achieving its goals.

I assume that in the adoption of the law the Board of Representatives will want the law enforced.

Firstly, there appears to be no involvement of the Stamford Health Department with the subject of this ordinance. The Stamford Health Department and its Director would appear to be the most appropriate local officials to be involved in a local issue of public health. Indeed, the findings in the Colorado Ordinance are based on statistics gathered from a reputable health agency, the U.S. Center for Disease Control and Prevention.

Secondly, in terms of enforcement once the ordinance is adopted, it means as to the Stamford Police Department, that every time a minor is found in possession of a tobacco product that minor will receive a summons for court. This means that the officer issuing the summons will have to appear in court and testify in contested cases. This is done during the officers regular work day, so that means that the services of the officer for that day may not be available for other law enforcement purposes, at least during the time the officer is in court, waiting for the case to come up and to testify.

As the number of uniformed police personnel is other personnel may not be available to take the officer's place during the time the officer is in court waiting for the case to come up and testify, or other personnel may have to be paid with over time compensation. Your board might benefit from hearing from the Stamford Police Department. Your Board may then have to decide whether they want the work time of police personnel used for this or for other public services before adopting this ordinance.

Thirdly, your board should take into consideration how the ordinance will impact on the court system which must take the time to deal with what will be comparatively minor cases. It means the service time of a judge or magistrate, prosecutor, court and clerk personnel and a courtroom. This is a year when Connecticut courts are particularly overtaxed in the use of their resources. Clerk's offices, for example, are open only on a limited basis and are understaffed. This means that at the very least the contribution of these cases will probably add to the delay in the disposition of much more serious cases based on the amount of resources these cases will use.

Anyone under 15 is in a special status and must be treated as a juvenile. This will clearly impact on the treatment of the accused in a significant number of cases. There may be distinct law enforcement complications when the accused is under age. This ordinance may therefore contribute to the administrative difficulties of two courts not one.

I urge your board to seek the input of the Stamford Health Department, Police Department and the local courts before adopting this ordinance. These are problems that may not be a concern Englewood Colorado, a municipality I know little about.

Lastly I respectfully suggest that your board's purposes may be served by adopting a policy of obtaining economic and administrative impact assessments on proposed legislation from the departments involved and the finance department as part of the process of adopting new legislation. This may help you assess the feasibility of proposed laws, and the impact they may have on taxes and government operations if adopted.

It may also help explain to the public why many meritorious ideas, such as this one, may not prove feasible, or in their overall interest in a time of very limited local resources when tough decisions as to what overall services can be provided must be made.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Barry Goodman'. The signature is stylized with a large, sweeping flourish that loops back over the name.

Barry Goodman
Assistant Corporation Counsel