



THE CITY OF SAN DIEGO  
**REPORT TO THE CITY COUNCIL**

DATE ISSUED: July 10, 2012 REPORT NO. 12-088

ATTENTION: Public Safety and Neighborhood Services Committee  
Agenda of July 18, 2012

SUBJECT: Informational Report from the San Diego Police Department  
Regarding the Tobacco Retailer Ordinance Update

SUMMARY

THIS IS AN INFORMATION ITEM ONLY. NO ACTION IS REQUIRED ON THE PART OF THE COMMITTEE OR THE CITY COUNCIL.

BACKGROUND

On November 15, 2007, the San Diego City Council added Sections 33.4501 through 33.4519 to the San Diego Municipal Code regarding the permits for Tobacco Products sales. The purpose was to regulate and license retail businesses that sold or distributed tobacco products. The permit fees would be used to enforce laws aimed at discouraging the sales of tobacco products to juveniles. It was the intent of this section to have all costs associated with the administration and enforcement to be borne by the retailer applicants and permit holders.

Part of the ordinance states that the San Diego Police Department will present a report to the committee on the status of the Tobacco Ordinance upon request.

ADMINISTRATION INFORMATION

The San Diego Police Department has identified 1,207 businesses that sell or distribute tobacco products in the City of San Diego. (California State Board of Equalization)

Since our last reporting out (June, 2011) the Department has been able to gain compliance from 1,090 of the businesses within the City of San Diego. The Department has continued to work with the other 117 business owners to confirm their status and gain compliance. In the continuing efforts to maintain compliance, the Department has simplified the application by reducing it from four pages down to two pages.

## INSPECTIONS AND ENFORCEMENT

The San Diego Police Department's Vice Permits and Licensing office conducted 276 overt field inspections from January, 2011 to January, 2012. These inspections were used as an opportunity to educate and gain voluntary compliance from the business owners.

In addition to the overt inspections, the San Diego Police Department the Vice Permits and Licensing Police Officers also conducted five undercover juvenile decoy operations in the City of San Diego. A total of 91 covert (undercover) inspections were completed during these operations. All of these inspections were used to educate the business owners. The results are as follows:

Date	Number of Inspections	Results	Council Districts
02/17/11	20	1 Arrest	5,6
04/26/11	15	3 Arrest	8,4
08/11/11	15	1 Arrest	2
09/27/11	19	0 Arrest	6
12/22/11	22	1 Arrest	7

Note: The arrests resulted in guilty pleas for 415(2) PC (infraction) and a fine.

The location of the inspection sites were randomly selected by Council District and included all types and sizes of stores selling tobacco products. Four of the operations were educational and resulted in one warning. One of the operations was zero tolerance enforcement and resulted in one misdemeanor citation being issued.

In an effort to lower our operational cost, we conducted all of our inspections during normal working hours and used volunteers for the decoy operations. Therefore we did not incur any overtime.

## ESTIMATED ILLEGAL SALES RATE

Based on the 91 undercover inspections that resulted in 6 violations, the estimated rate of illegal sales to juveniles is 6.5%.

## FEES AND FINES

In 2010, the Police Department Permit and Licensing Unit collected \$110,052 in regulatory fees and \$18,928 in application fees for a total of \$128,980. This is consistent with the fees collected last year. All monies were sent to the City's general fund.

Respectfully submitted,

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William M. Lansdowne  
Chief of Police