

CITY OF OAKLAND

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OAKLAND

2016 SEP -1 AM 10:20

# AGENDA REPORT

**TO:** Sabrina B. Landreth  
City Administrator

**FROM:** David E. Downing  
Assistant Chief of Police

**SUBJECT:** Independence Day 2016

**DATE:** August 17, 2016

City Administrator  
Approval

Date

8/31/16

## RECOMMENDATION

**Staff Recommends That The Public Safety Committee Accept This Informational Report Concerning Independence Day 2016 Illegal Activities And The Oakland Police Department (OPD) Deployment.**

## EXECUTIVE SUMMARY

There has been a long history of illegal celebratory activity on Independence Day in the City of Oakland. This report discusses these activities in 2016 and the OPD deployment to address the activities.

## BACKGROUND AND LEGISLATIVE HISTORY

At the July 14 Rules and Legislation Committee, Council Member Abel Guillen initiated a discussion concerning illegal Independence Day celebratory activities and the OPD role in addressing them.

In previous years, the Fire and Police Departments have worked to mitigate these negative impacts through education, prevention, and enforcement. For enforcement purposes, the Police Department relies on Oakland Municipal Code (OMC) Section 8.06.030, which makes it illegal to buy, sell, transfer, use, or possess fireworks within City limits. Citations for these violations carry a fine of up to \$1,000. In addition, there are a number of state and federal laws that prohibit the possession, use, and sale of explosive materials (including some fireworks).

In the 1970's, the City held a City-sponsored fireworks display by Lake Merritt. However, this display presented possible harms to the native fauna by the lake so the City chose to end this program. In the 1990s, the Port of Oakland held a fireworks display in the Jack London area by the City's Howard Terminal. The Port officially sponsored the event, and the City contributed to the event through unreimbursed police and related staff support. However, this event ended by 2010 due to increasing nuisance issues and the need to most effectively utilize critical City of Oakland and Port of Oakland funding and resources.

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## ANALYSIS AND POLICY ALTERNATIVES

Independence Day has traditionally been associated with celebratory gunfire and fireworks in the City of Oakland. Both acts are illegal in the City of Oakland and present a clear danger to the community. Gunfire and illegal fireworks also negatively impact OPD and Oakland Fire Department (OFD) resources, by significantly increasing the calls for service for gunshots and fire-related incidents. Most importantly, both acts disrupt the quality of life for residents of Oakland.

In order to address the traditional celebratory gunfire and illegal fireworks, OPD and OFD take a number of steps every year. These steps are outlined below.

### *Fireworks Collection Barrels*

Each year, OFD provides barrels at firehouses throughout the City for police officers and residents to drop off illegal fireworks. Heightened fire patrols are implemented in areas identified by police as having historically high levels of fireworks activities. During patrols, fire fighters engage with the public in an effort to ensure residents remain vigilant in their fire prevention strategies to help decrease the chance of fires in early July each year.

Over the last six years, OFD has received an average of 50 pounds per year of illegal fireworks. These fireworks are collected in two ways: 1) voluntarily deposited by residents into barrels located at fire stations throughout the City; and 2) confiscated by OPD. In 2015, OFD confiscated approximately 100 pounds of fireworks. For 2016, approximately 200 pounds of fireworks were collected by OFD. The Fire Stations that on average receive the largest amounts of fireworks are: Stations #1 (Downtown), Station #3 (West Oakland), Station #20 (East Oakland), and Station #4 (Chinatown). It is unknown why the amount of illegal fireworks voluntarily turned in to OFD increased.

### *Public Education*

A press release containing fire prevention tips is distributed to community groups throughout the City by Neighborhood Service Coordinators (**Attachment A**). This release includes information about celebratory gunfire, penalties for fireworks, a fireworks tip line, and fireworks collection barrels. A flyer (**Attachment B**) which has also been distributed includes additional information about safely turning in illegal fireworks (this flyer is distributed in English, Chinese, Spanish, and Vietnamese). This year the Neighborhood Service Coordinators forwarded information to their respective community groups. A letter (**Attachment C**) was sent out to specific addresses by the OPD Patrol Area 4 Captain, informing residents of ShotSpotter gunshot activations from July 4, 2015. This letter explained that while no one at the address was being held responsible for the gunshots or fireworks that triggered the prior-year activation, OPD was aware of the activity and would be focusing increased attention at the particular address during Independence Day, 2016.

*Police Deployment*

As in previous years, OPD dedicated a significant number of on-duty patrol personnel to address illegal activities associated with Independence Day. OPD also dedicated a number of specialized personnel to the event. For 2016, 201 sworn OPD personnel and nine OPD civilians were assigned to enforcement and support activities.

*Results of Efforts*

*Table 1: Summary Results of OPD's 2016 Independence Day Deployment*

Arrests Made	14 Adult
Citations Issued (total)	149
Firearms Recovered	4
Fireworks Seizures	26
Vehicles Towed	2
Overtime Incurred	\$79,048

In 2016, there were 12 ShotSpotter (gunshot) activations. Figure 1 below represents the last five years of ShotSpotter activations on Independence Day in Oakland:

*Figure 1:*

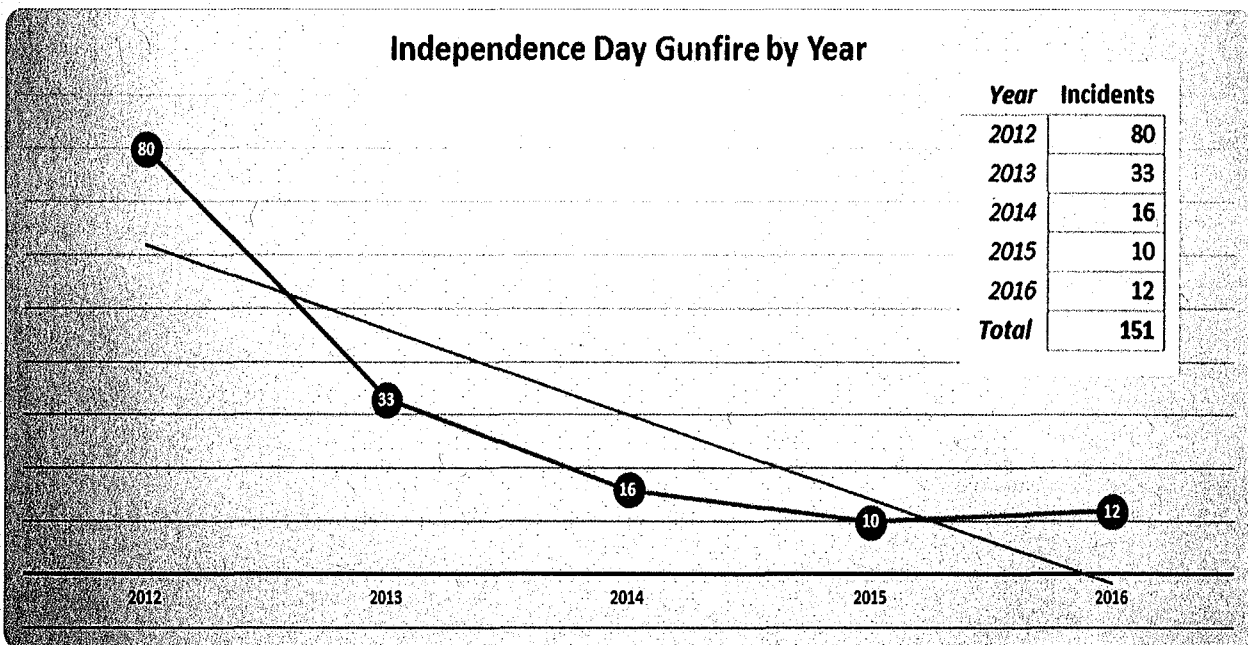


Table 2 below provides the number of fireworks and gunshot calls received and dispatched by OPD Communications Division on Independence Day for the last five years. For 2016, there were 389 fireworks and 50 gunshot calls received.

Table 2: Fireworks and Gun-Specific Calls for Service on July 04 of Each Year

Year	Fireworks Calls		Gunshot Calls	
	Received	Dispatched	Received	Dispatched
2012	123	72	51	49
2013	92	24	76	73
2014	313	134	37	33
2015	396	149	60	54
2016	389	174	50	44

### **PUBLIC OUTREACH / INTEREST**

No additional outreach was deemed necessary for this informational report beyond the standard City Council agenda noticing procedures.

### **COORDINATION**

This report was reviewed by the Office of the City Attorney.

### **FISCAL IMPACT**

For OPD, the \$79,048 in overtime for the Independence Day operation was charged to the General Purpose Fund.

### **SUSTAINABLE OPPORTUNITIES**

**Economic:** There are no economic opportunities associated with this report.

**Environmental:** There are no environmental opportunities associated with this report.

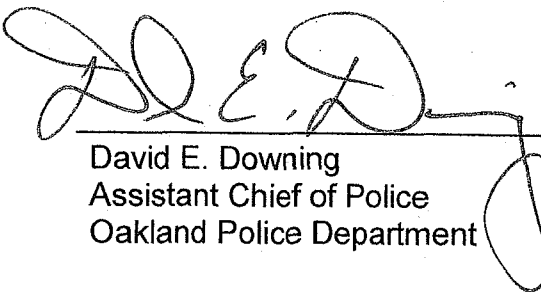
**Social Equity:** All residents benefit from greater public safety.

**ACTION REQUESTED OF THE PUBLIC SAFETY COMMITTEE**

Staff Recommends That The Public Safety Committee Accept This Informational Report Concerning Illegal Independence Day 2016 Activity And The Oakland Police Department (OPD) Deployment.

For questions regarding this report, please contact Timothy Birch, Police Services Manager I, OPD Research and Planning, at (510) 238-6443.

Respectfully submitted,



David E. Downing  
Assistant Chief of Police  
Oakland Police Department

Reviewed by:  
Nishant Joshi, Acting Captain  
OPD, Patrol Area 4, BFO 2

Prepared by:  
Timothy Birch, Police Services Manager I  
OPD, Research and Planning, OCOP

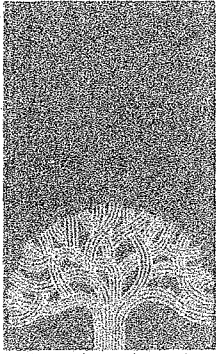
Attachments (3):

***Attachment A: OPD Independence Day 2016 Press Release***

***Attachment B: OPD Flyer for Reporting Illegal Fireworks***

***Attachment C: Letter to Residents Concerning Previous ShotSpotter Activation***

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Public Safety Committee  
September 13, 2016

News from: **Oakland Police Department**

City of  
**OAKLAND**  
California

**Media Contact:**

Officer Johnna Watson  
Officer Marco Marquez  
Media Relations Office  
510-238-7230  
opdmedia@oaklandnet.com

**For Immediate Release**

July 1, 2016

**REMINDER: Stay Safe During 4<sup>th</sup> of July Celebrations:  
Avoid Illegal Fireworks and Celebratory Gunfire**

*Oakland, CA* — The Oakland Police Department and Fire Department are working together to plan for a safe 4th of July in the City of Oakland. We want everyone to celebrate this Independence Day safely. In this spirit, we would like to remind everyone of the dangers and penalties associated with celebratory firearm discharges and the use of illegal fireworks. Setting off illegal fireworks and shooting guns can put you and the people you love at risk for injury and even death. Illegal fireworks and celebratory gunfire should have no place in our City's Independence Day festivities.

As a part of our commitment to public safety, quality of life, and vitality in our communities, the Oakland Police Department is focused on stopping illegal gun use. During the holiday, the Department will increase staffing and deploy patrol officers to key areas of the City with the highest amount of gunshot and firework activity as indicated by ShotSpotter activation and data collection from last year.

**Celebratory Gunfire = Jail**

- Officers will arrest anyone caught discharging a firearm.
- Report celebratory gunfire by calling **911** (by cell phone, **(510) 777-3211**).

**Fireworks = Fines**

- Illegal fireworks, hot weather, and increased fire danger also increase the risk of injuries and fatalities. Officers who observe illegal fireworks will enforce the law as well as focus on prevention and education.
- People caught with fireworks can be fined up to \$1,000. Penalties for possession of large quantities of fireworks include fines ranging from \$5,000 to \$10,000 and imprisonment.
- Report fireworks by calling the Fireworks Tip Line: **(510) 777-8814**. A recording is set up and checked frequently. On the 4th of July, a call taker will be available.

**Fireworks Collection Barrels**

To help get illegal fireworks off the street, the Oakland Fire Department has set up fireworks collection barrels at the following fire stations:

- Station 1: 1603 Martin Luther King Jr. Way
- Station 3: 1445 14th Street
- Station 4: 1235 East 14th Street
- Station 5: 934 34th Street
- Station 18: 5008 Bancroft Avenue
- Station 20: 1401 98th Avenue

**Attachment A**

**More Information Is Available**

- An English, Spanish, and Chinese language flyer with more information about illegal fireworks and where you can safely turn them in is available at:

<http://www2.oaklandnet.com/w/OAK059459>

For more information, please contact the Media Relations Office at 510-238-7230 or [opdmedia@oaklandnet.com](mailto:opdmedia@oaklandnet.com).

# # #



## Report Illegal Fireworks Reporte Fuegos Artificiales Ilegales

舉報非法燃放煙火

### Report Illegal Fireworks: (510) 777-8814

Fireworks are **DANGEROUS**, and they are **ILLEGAL** in Oakland!

If you are caught with fireworks, you will be **fined up to \$1,000**

Possession of large quantities of illegal fireworks carries penalties of \$5,000 to \$10,000 and imprisonment

You can drop off illegal fireworks in collection barrels at the following fire stations:

- Fire Station 1 – 1603 Martin Luther King Jr. Way
- Fire Station 3 – 1445 14th St
- Fire Station 4 – 1235 International Blvd
- Fire Station 5 – 934 34th St
- Fire Station 18 – 5008 Bancroft Ave
- Fire Station 20 – 1401 98th Ave

### Reporte Fuegos Artificiales Ilegales al: (510) 777-8814

¡Los Fuegos Artificiales son **PELIGROSOS**, e **ILEGALES** en Oakland!

Si usted es apresado con fuegos artificiales, **se le multara hasta \$1,000**

Posesión de cantidades grandes de fuegos artificiales ilegales carga una penalidad de \$5,000 a \$10,000 y cárcel

Usted puede dejar sus fuegos artificiales en los barriles de recolección en las siguientes estaciones de bomberos:

- Estación de Bomberos 1 – 1603 Martin Luther King Jr. Way
- Estación de Bomberos 3 – 1445 14th St
- Estación de Bomberos 4 – 1235 International Blvd
- Estación de Bomberos 5 – 934 34th St
- Estación de Bomberos 18 – 5008 Bancroft Ave
- Estación de Bomberos 20 – 1401 98th Ave

### 舉報非法燃放煙火：(510) 777-8814

燃放煙火是危險的，在屋崙(奧克蘭)市燃放煙火更是非法的！

如果你因燃放煙火而被檢控，你將被處以最高**\$1,000** 罰款

儲存大量非法燃煙火爆竹，可處以罰款**\$5,000** 至**\$10,000** 及監禁

你可以繳交非法持有的煙火到下列消防站放置的非法煙火收集桶

- 1 號消防站 – 1603 Martin Luther King Jr. Way
- 3 號消防站 – 1445 14th St
- 4 號消防站 – 1235 International Blvd
- 5 號消防站 – 934 34th St
- 18 號消防站 – 5008 Bancroft Ave
- 20 號消防站 – 1401 98th Ave





Dear Resident,

The Oakland Police Department is committed to public safety. The purpose of this correspondence is to provide you with information regarding your residence. Last year, during 4<sup>th</sup> of July, there were several incidents involving celebratory gunfire and fireworks. This placed residents in great danger. Unfortunately, there have been incidents where persons and property were struck by celebratory gunfire.

With the use of ShotSpotter Technology, the Oakland Police Department has been able to identify specific locations by address where shots were fired and/or fireworks were used. Although the system is not perfect, the data regarding specific addresses is extremely accurate. Below is data regarding your address where shots were fired on or about July 4<sup>th</sup>, 2015. The Oakland Police Department is not alleging you were responsible for the shots fired and/or fireworks used. Rather, our intention to inform you of the information we have developed that flagged your address.

Gunshot or Firecracker [Number] 4-Jul-15 [Actual Address] [Additional Numbers]

The Oakland Police Department will significantly increase staffing and will use various forms of technology and resources to prevent such activity. If you have any information regarding the activity that flagged your address or activity that may occur this year, please call 510-777-8814. You may remain anonymous. In partnership, let's work together to make this 4<sup>th</sup> of July a safe event. If you have any questions, you may contact me at the below phone number.

Acting Captain Nishant Joshi

510-777-8526