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OAKLAND

2014 NOV 20 PM 2: 54

# AGENDA REPORT

**TO:** HENRY L. GARDNER  
INTERIM CITY ADMINISTRATOR

**FROM:** Teresa Deloach Reed  
and Sean Whent

**SUBJECT:** OFD and OPD Report on Illegal Fireworks **DATE:** November 14, 2014

City Administrator  
Approval

Date 11-20-14

**COUNCIL DISTRICT:** City-Wide

## RECOMMENDATION

Staff requests that the City Council accept this Joint Report from the Oakland Fire and Police Departments, with a Modified Version of the Fourth of July Fireworks Report, to Establish a Plan of Action for the Enforcement and Outreach Efforts Related to Reducing the Use of Illegal Fireworks During the New Year Holiday and the Fourth of July in 2015.

## OUTCOME

Continuing outreach to the community will potentially reduce the incidents of illegal fireworks use, and the possibility of fires destroying homes and injuring citizens. The City of Oakland has confronted the extensive proliferation of illegal fireworks by taking a zero-tolerance approach in an effort to prevent the fire danger and community disruption posed by these explosives.

## BACKGROUND/LEGISLATIVE HISTORY

Each year on the 4th of July, many people are maimed or otherwise injured as a result of the use of illegal fireworks; property damage across the nation totals in the millions of dollars. The City of Oakland is no exception. At a minimum, problems have included fires, explosions, noise, disruptive gatherings, reckless driving and large amounts of litter on City streets.

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 section 8.06.030 of the Oakland Municipal Code (OMC), 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.

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## ANALYSIS

### *Oakland Fire Department*

Each year, the Oakland Fire Department 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 during this time of year.

Over the last six years, the Fire Department has received an average of 50 pounds per year of illegal fireworks deposited in the barrels located at Fire Stations throughout the City by residents or confiscated by police and fire patrols. The Fire Stations that receive the largest amounts of fireworks on average are Stations #1 (Downtown) and #3 (West Oakland), #20 (East Oakland), and #4 (Chinatown).

### *Oakland Police Department*

The Oakland Police Department employs education, prevention, and enforcement strategies to reduce illegal activities associated with the 4<sup>th</sup> of July and New Year holiday. Despite the extensive efforts, the number of fireworks related reports, citations, arrests, and observations show that there continues to be a significant portion of the Oakland community willing to engage in the use of illegal fireworks.

When Police personnel spoke with citizens who had illegal fireworks, these individuals did not react in a way that would indicate an awareness of being involved in illegal activity. These individuals made no attempt to flee or hide from the police. Last year, one citizen even destroyed his supply of fireworks once he was informed that they were illegal. It is unlikely that so many individuals would knowingly and willingly violate the law if they were aware that they were doing so.

The Oakland Police Department's major response on the 4th of July was composed of two Mobile Field Force (MFF) units, which are formed from the Department's Police Services Officers (PSO), Crime Reduction Team (CRT) members, and School units. Though this is a citywide operation, Bureau of Field Operations (BFO) 1 and 2 deploy independently, for span of control purposes, but with the same intent to accomplish the Department's overall objectives. Finally, specially trained and equipped officers are available to respond to potential major crowd management incidents.

OPD's efforts in 2015 will be focused on reducing the overall number of community members using dangerous and illegal explosives. The Department will conduct fireworks enforcement training for field officers prior to the holiday.

### ***Joint Efforts***

Fire, Police, and City staff from other affected Departments (Parks and Recreation, Public Works, etc.) will meet in the months prior to the 4<sup>th</sup> of July to coordinate education, prevention, and enforcement strategies for Independence Day activities. As mentioned above, this collaborative problem-solving project is intended to reach across a broad spectrum of cultures and languages to reduce the danger and quality of life issues associated with illegal activity on the 4th of July.

OPD also collects data from calls received prior to the 4th of July holiday and review the call locations from the previous year to determine the deployment of officers to fireworks *hot spots* on the holiday. In addition, in the weeks prior to the holiday, a 4<sup>th</sup> of July violation resource sheet is created and distributed to Police Department personnel to remind the officers of the current penal code violations to enforce regarding the illegal fireworks

Other outreach efforts include the presentation of a Public Service Announcement (PSA), recorded jointly by OFD and OPD, on the City's television station, KTOP, outlining the penalties associated with the use of illegal fireworks as well as the danger to life and property. Last year's PSA may be viewed at <http://vimeo.com/99383334> (English) or <http://vimeo.com/99383335> (Spanish). In addition, informational flyers containing fire prevention tips are distributed to community groups throughout the City by Neighborhood Services Coordinators (NSCs).

An 'illegal fireworks hotline'<sup>1</sup> has previously been created and staffed by police personnel to receive calls from community members reporting the use or possession of illegal fireworks (this information was provided to field officers). The hotline phone number was included on the informational flyers distributed to community groups and the media, in English, Spanish and Chinese (*Attachment A*).

### **PUBLIC OUTREACH / INTEREST**

This item did not require any additional public outreach other than the required posting on the City's website. However, prior to the upcoming holidays, staff will provide information and outreach to various community groups throughout the City, as described in detail above.

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<sup>1</sup> Fireworks hotline: (510) 238-2373

## COORDINATION

The Office of the City Attorney was consulted in the preparation of this report.

## COST SUMMARY/IMPLICATIONS

In addition to the regular duty patrol officers, OPD deployed PSOs, CRTs, School Units, and Communications Section personnel for the 4th of July holiday in 2014. The Police Department utilized \$24,778.93 in overtime. OFD personnel also participated in the operation. Additionally, OFD will deploy additional staffing if the weather conditions are extreme or red flag warnings are in effect.

## PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

The following is a summary of police productivity during the July 4, 2014 operation:

Number of OMC Section 8.06.030 citations (sale, transfer, use of fireworks)	104
Felony Arrests	14
Misdemeanor Arrests	3
Number of Traffic Citations	18
Firearms recovered	2
Vehicles Towed	2

Police resources for the July 4, 2014 operation were allocated based on activity from July 4, 2013. **Attachment B** provides a map of hotspots as determined by ShotSpotter for July 4, 2013.

## SUSTAINABLE OPPORTUNITIES

**Environmental:** Strict enforcement of fireworks violations helps protect property from accidental fires which can release toxic elements into the atmosphere, causing health and safety risks to community members.

**Economic:** By preventing property damage caused by the illegal use of fireworks, businesses are able to maintain low insurance rates, and continue to provide services which contribute to the economic health of the City.

**Social Equity:** Enforcement of fireworks violations helps protect life and property in the City of Oakland, providing a safer environment.

For questions regarding this report, please contact A/Lt. Allen Steinberger, Special Resource Unit, Area 1, Oakland Police Department, 510-238-6911.

Respectfully submitted,



TERESA DELOACH REED  
Chief of Fire  
Oakland Fire Department



SEAN WHENT  
Chief of Police  
Oakland Police Department

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Mark Hoffmann, Deputy Chief, OFD

Attachment A: 2014 Fireworks Flyer  
Attachment B: July 4, 2013 ShotSpotter Hot Spots

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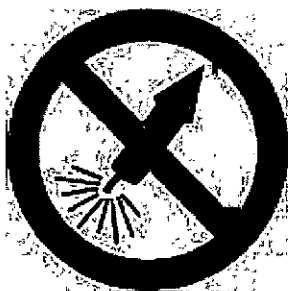
# ATTACHMENT A



## Report Illegal Fireworks: (510) 238-2373

- 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 carry 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 14<sup>th</sup> St
  - Fire Station 4      1235 International Blvd
  - Fire Station 5      934 34<sup>th</sup> Street
  - Fire Station 18     1700 50<sup>th</sup> Ave
  - Fire Station 20     1401 98<sup>th</sup> Ave
- To report illegal fireworks, call our anonymous, multilingual hotline: **(510) 238-2373** (English, Spanish, Cantonese, Mandarin, Vietnamese)

**The City of Oakland reminds you to celebrate safely this 4<sup>th</sup> of July!**



## Reporte Fuegos Artificiales Ilegales al: (510) 238-2373

- ¡Los Fuegos Artificiales son **PELIGROSOS**, e **ILEGALES** en Oakland!
- Si usted es sorprendido con fuegos artificiales, **se le cobrara una multa de hasta \$1,000**
- Posesión de grandes cantidades de fuegos artificiales ilegales tiene 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 14<sup>th</sup> St
  - Estación de Bomberos 4 1235 International Blvd
  - Estación de Bomberos 5 934 34<sup>th</sup> St
  - Estación de Bomberos 18 1700 50<sup>th</sup> Ave
  - Estación de Bomberos 20 1401 98<sup>th</sup> Ave
- Para reportar fuegos artificiales, llame a nuestra línea telefónica anónima bilingüe: **(510) 777-8814** (Ingles, Español, Cantones, Mandarín, Vietnamita)

**La Ciudad de Oakland le recuerda que celebre el 4 de Julio de una manera segura**

## 舉報非法燃放煙火：(510) 238-2373

- 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\$1000 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 14<sup>th</sup> St
  - 4 號消防站 1235 International Blvd
  - 5 號消防站 934 34<sup>th</sup> St
  - 18 號消防站 1700 50<sup>th</sup> Ave
  - 20 號消防站 1401 98<sup>th</sup> Ave
- 要舉報非法燃放煙火，可致電多語種燃放煙火匿名舉報留言熱線：**(510) 238-2373**  
(英語、西班牙語、粵語、普通話、越南語)

**屋崙(奧克蘭)市政府提醒你要安全地慶祝國慶日(7月4日)！**

# ATTACHMENT B

