

**CITY OF OAKLAND  
AGENDA REPORT**

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2008 SEP 11 PM 3:08

**To:** Office of the City Administrator  
**Attn:** Dan Lindheim  
**From:** Police Department  
**Date:** September 23, 2008

**Re:** An Annual Informational Report from the Office of Chief of Police Detailing the Department's Efforts to Manage Various Events Conducted Throughout the City of Oakland During the Fourth of July Holiday, Including the Fireworks Display at Jack London Square, and Illegal Fireworks and Sideshow Activities

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**SUMMARY**

Staff has prepared an informational report detailing the Department's efforts to manage various events conducted throughout the City of Oakland during the July 4, 2008 holiday, including the fireworks display at Jack London Square (JLS), and illegal fireworks and sideshow activities.

For many years, the City of Oakland has been faced with an extensive proliferation of illegal fireworks, and has taken a zero tolerance approach in an effort to prevent the fire danger and community disruption posed by fireworks.

**FISCAL IMPACT**

In addition to the regular patrol shifts, 221 extra members/employees were assigned to enforcement efforts on the 4<sup>th</sup> of July holiday. Because the holiday fell on a weekday, it was a regular workday for many officers assigned to the major response. The total amount of overtime pay for this major response was \$45,682.00.

**BACKGROUND**

Each year on the 4<sup>th</sup> of July, people are injured as a result of the use of illegal fireworks; property damage across the nation totals millions. The City of Oakland is no exception. At a minimum, problems include fires, explosions, noise, disruptive gatherings, reckless driving and large amounts of litter on City streets. In previous years, the Department has worked to mitigate the negative impacts through education, prevention, and enforcement. For enforcement purposes, the 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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## **KEY ISSUES AND IMPACTS**

### *Accessibility of Fireworks*

Fireworks can be legally purchased in neighboring Bay Area cities, and it is common to see the fireworks stands on major thoroughfares in these cities, which make purchases convenient. The internet provides opportunities to purchase a wide array of decorative explosives that are delivered to the purchaser's front door. Finally, OPD has found that individuals illegally sell fireworks from their homes and/or vehicles within City limits.

Historically, prevention efforts have focused on illegal sales and possession within City limits. Future efforts should include encouraging neighboring cities to outlaw the sale or possession of all types of fireworks, and working with package delivery services to prohibit the transportation of fireworks.

### *Prevention*

Police Department staff began prevention, education, and enforcement efforts several weeks prior to the actual holiday. To assist with these efforts, the Department conducted a public awareness campaign which included the distribution of flyers, written in four languages (attachment A). The Neighborhood Services Coordinators conducted oral presentations during their community meetings and gatherings. In addition, the flyers were promoted at schools, community groups and various media outlets. Finally, the Department issued press releases informing the local media of the problem and plans for increased enforcement.

The Oakland Fire Department provided several locations for community members to surrender fireworks; community members were able to surrender fireworks to seven fire stations with "no questions asked" by the fire fighters receiving the explosives. This information was also distributed through the media.

### *Community Support*

There was again a large amount of illegal fireworks being used on City streets and parks on the 4<sup>th</sup> of July 2008. Enforcement efforts were severely challenged by the large numbers of individuals willing to engage in the use of fireworks, which made it difficult for officers to respond and take enforcement action at every incident. In order to see significant future reductions in the use of illegal fireworks, the City must leverage its community resources to reach individuals who continue to condone and participate in the use of fireworks in the neighborhoods.

### *Fireworks at Jack London Square*

This year, the Port of Oakland, Jack London Square Partners, and the City of Oakland sponsored a fireworks celebration in the Jack London Square. Prior to the fireworks display, the JLS had daytime activities including live bands, food booths, craft vendors, and a farmers market.

While this event has not presented public safety issues in the past, problems associated with *sideshow* activities have occurred, which include:

- Traffic disruption on City streets and arterial freeways
- Interference with lawful business
- Assaults and vandalism
- Crowd management/civil disorder
- Reckless and drunken driving
- Public intoxication

To properly address these issues, along with unlawful fireworks activities throughout the entire City, the Oakland Police Department coordinated a major response operation (MRO). The fireworks show was attended by a crowd estimated at 27,000 with no notable issues. There were no arrests made at this event and no incidents were reported; however, the staffing of this event did limit OPD's capacity to address the illegal fireworks throughout the rest of the City.

### *July 4, 2008 Enforcement*

As a result of OPD's enforcement efforts, over 1,000 pounds of fireworks were recovered on July 4<sup>th</sup> this year. The following is a summary of police productivity during this operation:

Number of field stops for fireworks violations	97
Responses to firework calls	113
Number of Calls Made to Hotline	291
Number of OMC Section 8.06.030 (sale, transfer, use of fireworks) citations	38
Felony Arrests	10
Misdemeanor Arrests	18
Number of Traffic Citations	225
Firearms recovered	2
Vehicles Towed	19
Number of field contacts	53

### **PROGRAM DESCRIPTION**

The Police Department, Fire Department, and other City staff met to coordinate education, prevention, and enforcement strategies for 4<sup>th</sup> of July activities. As mentioned above, this

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collaborative problem-solving project was intended to prevent, educate, and enforce. The project was designed to reach across the broad spectrum of cultures and languages to reduce the danger and quality of life issues associated with illegal activity on the 4<sup>th</sup> of July.

A fireworks hotline<sup>1</sup> was created and staffed 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.

Calls received prior to the 4<sup>th</sup> of July holiday and calls from the previous year, were researched, and the information was used to determine the deployment of officers to fireworks *hot spots* on the holiday. The hotline was checked frequently on the 4<sup>th</sup> of July to deploy officers in as close to a *real-time* response as possible. This provided the officers with a starting point to conduct extra patrols in an effort to prevent the illegal fireworks activity.

Weeks prior to the holiday, a 4<sup>th</sup> of July violation resource sheet was created and distributed to Department personnel and fireworks enforcement training was provided to field officers. The Oakland Police Department's Criminal Investigation Division conducted criminal investigations regarding fireworks possession and assisted officers with field investigations on the 4<sup>th</sup> of July.

The Oakland Police Department's major response on the 4<sup>th</sup> of July was made up of three Mobile Field Forces (MFF), which were formed from the Department's Support Operations Division, Patrol Division, Criminal Investigation, and the Internal Affairs Division. Members were also assigned to the City's partial activation of the Emergency Operations Center as a precautionary measure. In addition, specially trained and equipped officers were available to respond to major crowd management incidents. Police staff was present throughout the operation to video tape large crowds or activities requiring a police response. The Helicopter Unit provided flight services for the entire operation.

## **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.

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<sup>1</sup> The fireworks hotline number is (510) 238-2373.

### **Disability and Senior Access**

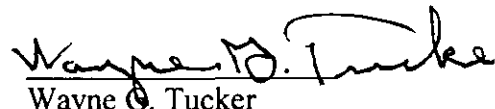
There are no ADA or senior citizen access issues identified in this report.

### **RECOMMENDATION / RATIONALE**

Staff recommends acceptance of this informational report.

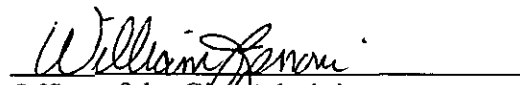
The Oakland Police Department employed the strategies of education, prevention, and enforcement to reduce illegal activities associated with the 4<sup>th</sup> of July holiday. Despite the extensive efforts, the number of fireworks related reports, citations, arrests, and observations show that there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

Respectfully submitted,



Wayne G. Tucker  
Chief of Police

APPROVED AND FORWARDED TO  
THE PUBLIC SAFETY COMMITTEE:

  
Office of the City Administrator

Prepared by:  
Captain E. Tracey  
Support Operations Division  
Bureau of Field Operations

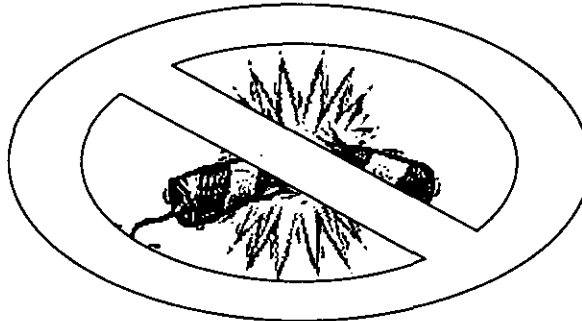
*Attachment A. Multilingual Flyer*

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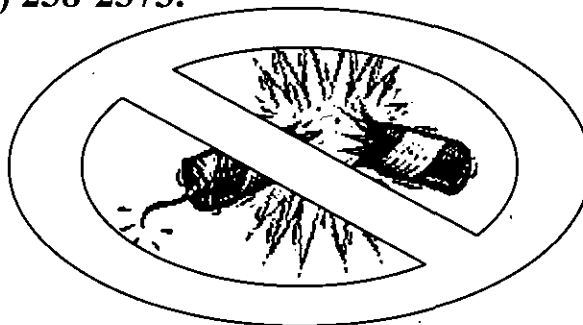
## Warning:

**It is illegal to buy, sell, transfer, use or possess fireworks in Oakland. If you are caught doing any of these, you will be fined up to \$1,000! (Oakland, Cal., Health & Safety, 8.06.030 (2004).) To report any illegal activities please contact our anonymous Fireworks Hotline at (510) 238-2373.**



## Advertencia:

**Es ilegal comprar, vender, transferir, usar o poseer fuegos artificiales en Oakland. ¡Si usted es sorprendido realizando cualquiera de estas actividades, se le aplicará una multa de hasta \$1,000! (Oakland, Cal., Salud y Seguridad, 8.06.030 (2004).) Para reportar cualquier actividad ilegal, por favor comuníquese con nuestra línea anónima sobre fuegos artificiales al (510) 238-2373.**



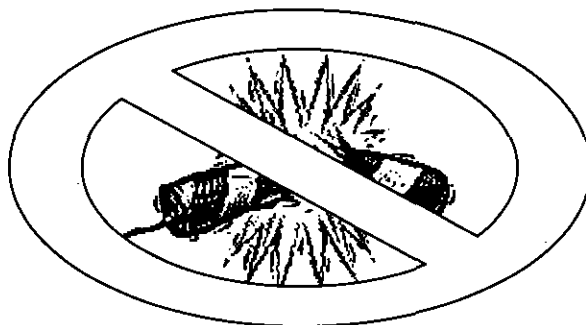


ATTACHMENT A



## 警告：

在屋崙(奧克蘭)市內買賣、運送、使用或擁有煙火都是違法的行為。若因進行任何這類行為而被逮，你可能會被處以高達 \$1,000 的罰款。(加州屋崙(奧克蘭)健康及安全法規 8.06.030 (2004)) 要舉報任何非法活動，請電我們的匿名煙花熱線 (510) 238-2373。



## Cảnh Cáo:

Mua, bán, di chuyển, dùng hoặc chiếm hữu pháo bông là bất hợp pháp trong Oakland. Nếu quý vị bị bắt gặp làm những điều này, quý vị sẽ bị phạt đến \$1,000! (Oakland, Cal., Health & Safety, 8.06.030 (2004).) Muốn báo cáo các hành vi phạm pháp nào đó xin gọi đường dây kính của Firework Hotline ở số (510) 238-2373

