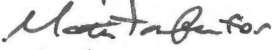


REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: April 17, 2018

TO: Honorable Members of the City Council

FROM: Sharon M. Tso 
Chief Legislative Analyst

Council File No: 17-1421
Assignment No: 18-02-0173

Addressing Issues Related to Illegal Fireworks

SUMMARY

On February 6, 2018, the Council adopted an Amended Motion (O'Farrell – Ryu) directing this Office, with the assistance of the Police Department (LAPD), the Fire Department (LAFD) and the City Attorney, to report in 60 days on issues related to illegal fireworks and steps that could be taken to curtail their use within the City, including but not limited to:

- a. Issues hindering effective illegal fireworks enforcement;
- b. Quantitative data on the number of calls for service related to fireworks and their geographic location;
- c. Education and outreach strategies;
- d. Enforcement strategies;
- e. Legislative and/or administrative action(s) at the Federal, State, or local level; and
- f. Examples of successful strategies from other jurisdictions.

RECOMMENDATIONS

That the Council, subject to the approval of the Mayor:

1. DIRECT the Police Department (LAPD) and Fire Department (LAFD), with the assistance of the LAFD's partner organization MySafe:LA, to implement community risk reduction strategies including increased public outreach efforts, direct mail to residents, and placing educational banners and signs on public buildings regarding the dangers of using illegal fireworks;
2. DIRECT LAPD and LAFD, with the assistance of LAFD's partner organization MySafe:LA, to work with the Los Angeles Unified School District (LAUSD) on the implementation of information campaign for children related to the dangers posed by illegal fireworks;
3. DIRECT the LAPD, with the assistance of the Information Technology Agency, to report on what steps are necessary to enable mobile reporting of illegal fireworks through the 311 app or phone service; and
4. ADOPT the attached Resolution (Attachment 2) to include in the 2017-2018 State Legislative Program support for legislation and/or administrative action that would ensure that the California State Fire Marshal is provided regular funding for the destruction of confiscated fireworks.

BACKGROUND

Under current California law, fireworks are divided into two categories: "dangerous" fireworks and "safe and sane" fireworks. The possession, sale, and use of "dangerous" fireworks by the

general public is illegal in the State of California. Only individuals who possess a Special Display License, which is usually only issued to pyrotechnic operators for special events such as Independence Day fireworks shows, may use or possess dangerous fireworks. “Safe and sane” fireworks are legal to possess in jurisdictions that allow them, and may be sold at fixed locations from June 28 until July 6 each year. The City does not allow the sale of fireworks within its jurisdiction. Los Angeles Municipal Code Section 57.5608.1.2 states that it is unlawful for any person to use, give, possess, sell or discharge *any* fireworks in the City of Los Angeles.

Issues Hindering Enforcement/Potential Enforcement Strategies

There are a number of issues that affect enforcement of fireworks laws in the City. First, despite being illegal, dangerous fireworks are easily accessible, as they can be purchased in neighboring states and transported into California, where they can be sold for a significant profit. Further, the Ports of Long Beach and Los Angeles are major entry points for imported goods from Asia, where a majority of fireworks are manufactured. This creates a situation where dangerous fireworks meant for legal markets in other States can end up on the streets of California. Every year, Police Departments across the state, including LAPD, make a number of arrests and seize illegal fireworks, but the problem still continues. Fireworks seized by local law enforcement agencies are turned over to the State Fire Marshal for destruction. However, the Fire Marshal has historically not received sufficient funding for fireworks destruction, and has a backlog of fireworks awaiting destruction.

On the street level, enforcement against individuals using illegal fireworks is inefficient, as people in the street using fireworks light them off and leave the scene, or just go inside their homes when they see patrol vehicles approaching. Undercover officers could be used for street-level enforcement, but this would be cost-prohibitive and LAPD may not have the resources necessary for this type of enforcement on major holidays where there are a number of public events that require police resources.

In other jurisdictions, including Riverside County, individuals are able to report illegal fireworks issues through the local 311 system, or through other websites or hotlines set up for this purpose around the Independence Day holiday. The LAPD, with the assistance of the Information Technology Agency may be able to implement a similar hotline, or expand the 311 system to cover illegal fireworks reporting.

Data on Illegal Fireworks and Calls for Service

The table below summarizes fireworks-related calls for service received by the LAPD over the last five years:

POLICE DEPARTMENT - FIREWORKS-RELATED CALLS FOR SERVICE		
Year	Calls Created	Calls Dispatched
2013	5,532	3,644
2014	6,520	3,882
2015	5,948	3,960
2016	8,103	4,659
2017	8,204	4,774
TOTAL	34,307	20,919

The number of calls created exceeds the number of calls dispatched because a number of calls are broadcast to patrol vehicles for information only in cases where there is not enough information for unit dispatch. This occurs in cases where a caller states they can see fireworks but is unable to identify the launch location. Fireworks-related calls are received from across the City, however, they are more prevalent in the Hollenbeck, Harbor, Northeast and Mission Areas. Attachment 1 of this report provides a summary of calls created and calls dispatched by Area Station.

The table below summarizes the number of fires caused by fireworks within the City of Los Angeles over the last five years. While these numbers are low, these incidents almost all occur on or around the Independence Day holiday.

TOTAL INCIDENTS PER YEAR - BY NFIRS CATEGORY (HEAT SOURCE)

Year	Fireworks	Explosive-fireworks (other)	Total
2013	22	2	24
2014	17	2	19
2015	18	5	23
2016	27	8	35
2017	28	9	37
TOTAL	112	26	138

Education and Outreach

In 1982, the LAFD initiated its annual Anti-Fireworks Campaign. The goal of this campaign has been the reduction of injuries and property loss caused by the private use of fireworks. The campaign emphasizes that the use of all fireworks is illegal in the City of Los Angeles.

In 2017, the Anti-Fireworks Campaign had three primary objectives:

1. Reduce fireworks-related injuries and fires throughout the Los Angeles area through participation in a multi-agency Anti-Fireworks Campaign.
2. Inform the public of the dangers associated with the private use of fireworks through Public Service Announcements, billboard advertising, a multi-agency press conference, and flyer distribution.
3. Encourage safer alternatives by publicizing the locations of professional fireworks shows throughout the Los Angeles area through the Internet, a fireworks show hotline, a multi-agency press conference, and press releases.

Annually, prior to the Independence Day holiday, the LAFD works to ensure the public is informed about fireworks issues through television and radio interviews, joint press conferences with the Los Angeles County Fire Department, and social media outreach.

The LAFD has a Memorandum of Agreement (MOA) with the non-profit organization MySafe:LA, which serves as the public safety education and training partner of the LAFD. This includes work on fireworks education issues. On behalf of and in partnership with the LAFD, MySafe:LA will be implementing an education campaign centered around the dangers of fireworks for the upcoming Independence Day holiday. This campaign will include large banners displayed outside every fire station in the City; flyers in English and Spanish to be distributed to the public; posters for LAUSD elementary and middle schools; a new informational website that will provide

information on where to find legal fireworks shows and other fireworks-related information; and, video and audio Public Safety Announcements for use on television, radio, Council District websites and other platforms. MySafe:LA has indicated that it will fund these efforts through its budget, and that it receives no funds from the LAFD. If additional outreach is requested, the Council may wish to include additional funding for this purpose in the 2018-19 Budget.

In addition to the LAFD's efforts to address this issue, the LAPD also works to inform the public about illegal fireworks in the City. In the past, this has included direct mail in some neighborhoods, social media posts, and outreach by Senior Lead Officers.

Despite the work of the LAPD and LAFD to inform the public about the dangers of fireworks and the laws prohibiting their use in the City, illegal fireworks use continues to be a significant issue. Most information campaigns are designed to target individuals out in public or through media. These campaigns are worthwhile, but could be augmented by additional outreach strategies, in particular those that are directed at school children who may not be aware that fireworks are dangerous, or that they are illegal in the City. A study by the United States Consumer Product Safety Commission found that children under 15 years of age accounted for 31 percent of injuries caused by fireworks in 2016. It may be worthwhile for the Fire and Police Departments to work with the Los Angeles Unified School District on implementing an outreach program for school children. MySafe:LA also does education outreach with schools in LAUSD, and may be an effective partner to the LAFD and LAPD in reaching out to schools.

Legislative and/or Administrative Action

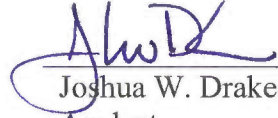
State law requires the State Fire Marshal (SFM) to dispose of any fireworks that have been seized by local jurisdictions with the exception of the "Safe and Sane" types which are legal in California. Within three days of the seizure, the local agency is required to notify the SFM of the quantity, type, location of the fireworks, and the reason for the seizure. State law also requires the SFM to dispose of "Dangerous Fireworks" defined as those fireworks that travel through the air or on the ground, explode, or are made of specific prohibited chemical compositions or exceed the permissible weights of chemical compositions and are not classified as "Safe and Sane."

However, the SFM has historically not received sufficient funding to destroy seized fireworks, and has maintained a backlog of fireworks waiting for destruction. Often, when the SFM does not have funds to dispose of fireworks, they are stored by the law enforcement agency that seized them. Due to the hazardous nature of fireworks, and Environmental Protection Agency (EPA) requirements for the transport and destruction of hazardous material, they are sent out of state to specialized contactors for disposal, which adds to the cost. To ensure that all fireworks seized in the City Los Angeles are destroyed, the City should support or sponsor legislation or administrative action that would provide sufficient funding for fireworks disposal. Attachment 2 of this report provides a Resolution to include in the City's 2017-2018 State Legislative Program support for legislation and/or administrative action that would ensure the SFM received adequate funding for dangerous fireworks disposal.

Examples of Effective Fireworks Strategies

While many jurisdictions across the State have effective programs, very few communities have completely eliminated illegal fireworks. However, the most effective strategies rely on a combination of public outreach and enforcement targeted at illegal imports of fireworks into the

State. Riverside County has a robust outreach system, including the use of social media, public information campaigns and outreach related to fireworks, the use of hotlines or 311 for individuals to report illegal fireworks in Riverside County, and enforcement efforts by law enforcement against fireworks sellers. The LAPD and LAFD already use a number of these strategies, but may benefit from more coordination and an enhanced public information campaign.



Joshua W. Drake
Analyst

SMT:jwd

Attachments: 1. Calls for Service data by Area Station
 2. Resolution
 3. Motion (O'Farrell – Ryu)

ATTACHMENT 1

Area	Name	2013		2014		2015		2016		2017	
		Created	Dispatched	Created	Dispatched	Created	Dispatched	Created	Dispatched	Created	Dispatched
01	CENTRAL	21	13	48	27	38	28	82	56	68	41
02	RAMPART	226	163	258	150	225	140	262	161	241	137
03	SOUTHWEST	301	186	362	201	393	249	543	325	633	401
04	HOLLENBECK	451	327	420	293	414	283	548	383	511	364
05	HARBOR	409	291	530	354	669	479	713	461	496	320
06	HOLLYWOOD	124	76	125	80	104	76	150	75	199	116
07	WILSHIRE	189	135	199	124	205	139	309	164	279	161
08	WEST L.A.	203	140	103	70	113	69	144	84	163	91
09	VAN NUYS	241	154	280	141	232	135	329	162	416	218
10	WEST VALLEY	194	118	259	143	246	163	385	214	397	194
11	NORTHEAST	444	335	590	360	486	330	645	397	594	339
12	77TH	237	157	289	161	272	178	370	214	311	193
13	NEWTON	217	144	216	161	152	113	222	151	220	119
14	PACIFIC	300	179	355	169	252	133	386	201	340	193
15	N. HOLLYWOOD	250	139	283	162	282	188	467	242	627	336
16	FOOTHILL	338	204	500	309	380	271	583	327	625	387
17	DEVONSHIRE	326	200	396	232	343	228	425	222	420	240
18	SOUTHEAST	210	147	239	140	206	146	280	164	231	152
19	MISSION	489	305	616	345	457	287	764	365	789	415
20	OLYMPIC	152	109	180	104	161	110	163	107	236	127
21	TOPANGA	210	122	271	155	318	215	333	184	407	229
31	TRANSIT SERVICES	-	-	-	-	-	-	-	-	1	1
PCW	CITY WIDE	-	-	1	1	-	-	-	-	-	-
TOTAL:		5,532	3,644	6,520	3,882	5,948	3,960	8,103	4,659	8,204	4,774

Total Calls Created: 34,307

Total Calls Dispatched: 20,919

ATTACHMENT 2

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, California law gives Cal Fire's Office of the State Fire Marshal (SFM) the responsibility for the destruction of dangerous and illegal fireworks seized by local fire departments and law enforcement agencies; and

WHEREAS, regular funding is often not available for the SFM to destroy all the fireworks seized by local law enforcement agencies in the State; and

WHEREAS, historically, the lack of sufficient funding for fireworks disposal has led to backlogs of fireworks awaiting destruction, and has forced the SFM to warehouse thousands of pounds of potentially dangerous fireworks in areas across California; and

WHEREAS, in years where the SFM doesn't not have funding for fireworks disposal, the SFM cannot take possession of hazardous fireworks in a timely manner, and local jurisdictions have to store them; and

WHEREAS, regular, predictable funding for the disposal of illegal fireworks would ensure the SFM can carry out their responsibilities; and

WHEREAS, the destruction or removal of illegal fireworks from the state is in the interest of all Californians;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2017 - 2018 State Legislative Program SUPPORT for or SPONSORSHIP of legislation and/or Administrative Action that would ensure that the State Fire Marshal (SFM) is allocated sufficient funds annually to dispose of all dangerous fireworks turned over to the SFM by local jurisdictions.

ATTACHMENT 3

MOTION

Each year around the Independence Day and New Year's Eve holidays, the City of Los Angeles experiences a significant increase in reports of illegal fireworks being set off, especially in areas of northeast Los Angeles. These fireworks can cause significant disruption to people's daily lives, by interrupting sleep, increasing air pollution, traumatizing wildlife, and causing pets to run away or panic.

In many neighborhoods, residents have to deal with this issue for weeks, as illegal usage of fireworks begins in many places during June and continues through the summer. In addition to quality-of-life issues, illegal fireworks pose a public safety threat. M80s and other products classified as dangerous explosives are sold as fireworks. Each year in southern California, illegal fireworks also cause serious injuries, including traumatic amputations of fingers and hands, as well as fires. In a region prone to wildfire, one errant bottle rocket in the hills surrounding the City could result in lives lost and houses destroyed.


All fireworks are illegal in the City of Los Angeles, and many of the more dangerous types are illegal under state law. However their use continues, and, if anything, has become more widespread. Both the Fire and Police Departments are aware of this issue, and work each year to educate the public about the dangers of illegal fireworks and to enforce City laws.

The Council would benefit from a report outlining the scope of this problem, describing what the City does now to address this issue, and what can be done to curtail illegal fireworks usage in the City. Additionally, the report should include examples of what other strategies other jurisdictions dealing with illegal fireworks use to address this problem.

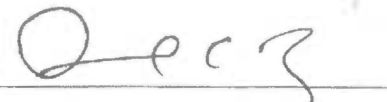
I THEREFORE MOVE that the Police Department (LAPD) and Fire Department (LAFD), City Attorney and the Office of the Chief Legislative Analyst establish an Illegal Fireworks Task Force to report on issues related to illegal fireworks and steps that could be taken to curtail their use within the City. The report should include, but not be limited to:

- Issues hindering effective illegal fireworks enforcement;
- Quantitative data on the number of calls for service related to fireworks and their geographic location;
- Education and outreach strategies;
- Enforcement strategies;
- Legislative and/or administrative action(s) at the Federal, State or Local level; and
- Examples of successful strategies from other jurisdictions

PRESENTED BY


MITCH O'FARRELL
Councilmember, 13th District

SECONDED BY



DEC 13 2017

