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LOS ANGELES, CA 90012

(213) 485-3531 PHONE
(213) 485-8861 FAX

June 7, 2007

BPC #07-0215

The Honorable City Council
City of Los Angeles
c/o City Clerk's Office
City Hall, Room 395
STOP 160

Dear Honorable Members:

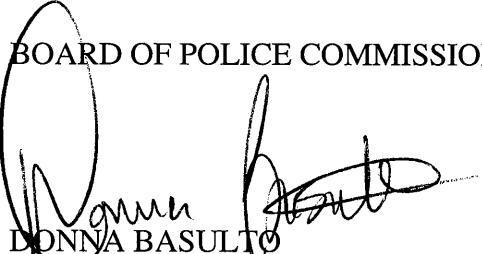
RE: DRAFTING A FORMAL ILLEGAL FIREWORKS RESPONSE PLAN IN CONJUNCTION
WITH THE LOS ANGELES CITY FIRE DEPARTMENT AND THE DEPARTMENT OF
RECREATION AND PARKS

At the regular meeting of the Board of Police Commissioners held Tuesday, June 5, 2007, the Board APPROVED the Department's report relative to the above matter.

This matter is being forwarded to you for your approval.

Respectfully,

BOARD OF POLICE COMMISSIONERS


DONNA BASULTO
Acting Commission Executive Assistant

Enclosure

c: Chief of Police

INTRADEPARTMENTAL CORRESPONDENCE

*bpc #07-0215 8B
M. M. Lopez 5/24/07*

June 7, 2007
16.2
WJB #07-0003

RECEIVED
MAY 24 2007
POLICE COMMISSION

TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: FOURTH OF JULY FIREWORKS RESPONSE PLAN

RECOMMENDED ACTIONS

1. That the Board of Police Commissioners (Board) review and approve this Fourth of July Fireworks Plan report.
2. That the Board transmit this Fourth of July Fireworks Response Plan to the City Council.

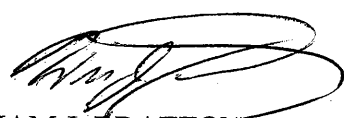
DISCUSSION

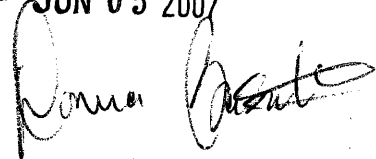
On January 18, 2007, the Los Angeles City Council directed the Los Angeles Police Department, in conjunction with the Los Angeles City Fire Department and the Department of Parks and Recreation, to draft a formal Illegal Fireworks Response Plan. They further directed the plan identify appropriate resource allocation, enforcement efforts, and an enhanced community outreach and education program.

Emergency Operations Division engaged in a cooperative effort with all involved City entities and completed the attached plan. The plan includes an identification of law enforcement resources, a training program regarding applicable local and state laws in regards to illegal fireworks, and a detailed community education program.

If you have any questions regarding this issue, please contact Captain David E. Baca, Commanding Officer, Emergency Operations Division, at (213) 847-1600.

Respectfully,


WILLIAM J. BRATTON
Chief of Police

BOARD OF
POLICE COMMISSIONERS
Approved JUN 05 2007
Secretary 

Attachments

SPECIAL OPERATIONS BUREAU

NOTICE
16.2

June 1, 2007

TO: Concerned Commanding Officers

FROM: Commanding Officer, Special Operations Bureau

SUBJECT: LOS ANGELES POLICE DEPARTMENT FIREWORKS REDUCTION PLAN

The Fourth of July holiday period has historically brought about the proliferation of illegal fireworks throughout the City. In addition to posing a potentially life threatening explosive and fire danger, calls for service-related fireworks and shots fired calls during this period have drained police resources. The four-week period (June 16, 2006 through July 17, 2006) surrounding the July 4, 2006 holiday, generated 7,686 radio calls:

<u>Bureau</u>	<u>Shots Fired</u>	<u>Loud Fireworks</u>
Central	427	1,433
West	298	1,014
Valley	486	1,987
South	527	1,514

In an effort to reduce injuries, death and property damage associated with the illegal use of fireworks, the Los Angeles Police Department (LAPD) and the Los Angeles Fire Department (LAFD) are engaging in a collaborative Fireworks Reduction Program. The Program will involve a two-tiered approach, to include a public education program as well as an enforcement effort. The operation period for the Fireworks Reduction Plan is June 1, 2007, 0800 hours, through July 13, 2007, 0800 hours.

Public Education

Personnel assigned to geographic Areas, particularly Senior Lead Officers, shall make use of every opportunity to educate the community that fireworks of any kind (including the "Safe and Sane" variety) are dangerous and illegal within the City of Los Angeles. Personnel shall engage the LAFD to assist with presentations at community meetings, school presentations, etc.

The message officers will deliver to the community shall concentrate on three primary points:

- Fireworks are extremely dangerous, and every year numerous children and adults are injured as a result of playing with fireworks.

- There is a very high degree of fire danger from fireworks, especially during the current historically dry brush season.
- Fireworks of any kind (including the "Safe and Sane" variety) are illegal within the City of Los Angeles and law enforcement will enforce appropriate laws.

Community members who wish to observe fireworks displays are encouraged to attend one of the many professional shows put on throughout the City.

To support this effort, the City will fund televised public service announcements, post educational billboards and distribute flyers in the weeks preceding July 4, 2007.

Enforcement Guidelines

There are several levels of enforcement that are available to officers in regard to fireworks management. Officers may consider one or more of the following legal avenues:

- **Section 57.55.01 Los Angeles Municipal Code:** It is illegal for any person to use, give, possess, sell, or discharge any fireworks within the City limits. This section is generally utilized for individuals with a small amount of fireworks possessed for personal or family use. Adults may be issued a Release from Custody (RFC) citation for this violation. Juveniles may be cited utilizing a Personal Service Citation.
- **Section 12677 Health and Safety Code:** It is a misdemeanor for any person to possess dangerous fireworks without a permit. This section is used for persons in possession of larger amounts of fireworks, including M-80 type devices, and fireworks that are obviously not for personal use. Officers should be able to articulate that the materials are not for personal use, as well as the fact the possessor does not have a permit (i.e. is not engaged in legal sales in another jurisdiction where it is permitted). Violations of 12677 Health and Safety Code should be handled by physical arrest; not RFC or citation.

The items listed below are **EXTREMELY DANGEROUS**. The Bomb Squad, Emergency Services Division, shall be contacted for advice prior to transporting the below-listed items.

- **Any seizures of M-80 type devices.**
- **Any fireworks that appear to be modified, improvised or homemade.**
- **Any fireworks that may be deteriorated or leaking powder.**

NOTE: Any M-80 type devices that were being stored in plastic bags by the suspect shall be placed in paper bags prior to transportation.

If there are any questions related to firework seizures, transportation and storage, immediately contact the Bomb Squad, Emergency Services Division. Prior to providing booking approval for any firework or explosive-related arrests, watch commanders shall seek advice from Criminal Conspiracy Section personnel.

Officers are reminded to employ discretion based on circumstance(s), i.e., heavy call load and observation of a fireworks usage in a neighborhood (street level) with many participants and onlookers. The level of enforcement could constitute seizure of the fireworks and providing a receipt for property taken into custody.

Handling or Booking of Fireworks

Fireworks may be temporarily stored at your geographic Area in a van or other vehicle of similar size. This vehicle should be parked in the shade and away from the gas pumps. After obtaining approval from on-duty or on-call Bomb Squad personnel, Area personnel may transport seized items and store them in the temporary location until they are picked up by Bomb Squad personnel. The expedited procedures listed below have been developed by the Bomb Squad to be utilized during the operational period.

REQUIRED REPORTS FOR CONFISCATED FIREWORKS

- 1) A complete RFC with the suspect's thumbprint and photograph, if not in possession of identification. Include the officers' observations as to what they observed, heard and/or smelled.
- 2) Take a clear photograph of the fireworks.
- 3) Complete a detailed Property Receipt (LAPD Form 10.10), including brand names, size and quantity.
- 4) Citing/arresting officers shall add their opinion that the items seized/booked are in fact fireworks. The opinion must be based on and supported by factual information.
- 5) Juveniles may be cited utilizing a Personnel Service Citation (LAPD Form 70-04.50.0) for the appropriate Los Angeles Municipal Code Section per existing Department policy.

FIREWORKS STORAGE

- Fireworks may be temporarily stored at your Area in a van or other vehicle of similar size. This vehicle should be parked in the shade and away from the gas pumps.
- Fireworks should be stored in separate pre-labeled cardboard boxes (Safe & Sane, Dangerous Fireworks, Snap Caps, M-80's).
- **Do not stack boxes on top of each other. Fireworks are extremely sensitive to heat, shock, friction and pressure.**
- **Any snap caps seized must be packaged and stored away from all other fireworks. These items can start a fire with the slightest pressure.**
- Do not tape the boxes shut. The Bomb Squad will have to examine the contents prior to transportation and destruction.

ADDITIONAL

At various times throughout the operational period, Bomb Squad personnel will respond to Area stations and pick up any temporarily stored fireworks. If your fireworks storage vehicle becomes full, please call the Bomb Squad for a pick up.

Concerned Commanding Officers

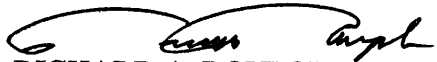
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16.2

Any large firework seizures such as a U-Haul truck or a garage filled with fireworks, shall be a Bomb Squad call-out in conjunction with Criminal Conspiracy Section.

As in prior years, Bomb Squad personnel will provide roll call training to patrol personnel in the weeks leading up to the Fourth of July holiday period. The lesson plan includes actions officers should take and procedures for booking fireworks and other explosives.

If you have any questions regarding this Notice, please contact Lieutenant Philip Fontanetta, Officer in Charge, Emergency Management Section, Emergency Operations Division, at (213) 847-1600.


RICHARD A. ROUPOLI, Deputy Chief
Commanding Officer
Special Operations Bureau

APPROVED:


EARL C. PAYSINGER, Assistant Chief
Director, Office of Operations

Attachments

Independence Day-Illegal Fireworks Response Plan FOURTH OF JULY 2007

**THESE PROCEDURES WILL BE IN EFFECT COMMENCING
JUNE 1, 0800 HOURS THROUGH JULY 13, 2007, 0800 HOURS.**

**THE BELOW ITEMS ARE EXTREMELY DANGEROUS. THE HAZARDOUS
DEVICES AND MATERIALS SECTION (BOMB SQUAD) SHALL BE CONTACTED
FOR ADVICE PRIOR TO TRANSPORTING THE BELOW LISTED ITEMS.**

- Any seizures of M-80 type devices.
- Any fireworks that appear to be modified, improvised or homemade.
- Any fireworks that may be deteriorated or leaking powder.

NOTE: Any M-80 type devices that were being stored in plastic bags by the suspect shall be placed in paper bags prior to transportation.

FIREWORKS STORAGE

- Fireworks may be temporarily stored at your Area in a van or vehicle of similar size. This vehicle should be parked in the shade and away from the gas pumps.
- Fireworks should be stored in separate pre-labeled cardboard boxes (Safe & Sane, Dangerous Fireworks, Snap Caps, M-80's).
- **Do not stack boxes on top of each other. Fireworks are extremely sensitive to heat, shock, friction and pressure.**
- **Any snap caps seized must be packaged and stored away from all other fireworks. These items can start a fire with the slightest pressure.**
- Do not tape the boxes shut. The Bomb Squad will have to examine the contents prior to transportation and destruction.

ATTENTION WATCH COMMANDERS

Criminal Conspiracy Section (CCS), Major Crimes Division, shall be contacted for advice related to booking approval or Release From Custody (RFC). **The on-duty Watch Commander shall be solely responsible for booking approval.** During off-hours, CCS can be reached via Real Time Analysis and Critical Response Division (RACR), at (213) 978-6500.

If there is any question as to how to handle a fireworks seizure or storage, immediately contact the Bomb Squad.

REQUIRED REPORTS FOR CONFISCATED FIREWORKS

- 1) A complete RFC with the suspect's fingerprint and photograph, if not in possession of identification. Include the officer's observations as to what they observed, heard and/or smelled.
- 2) Take a clear photograph of the fireworks.
- 3) Complete a detailed Property Receipt, LAPD Form 10.10, including brand names, size and quantity.
- 4) Juveniles may be cited utilizing a personal service citation for the appropriate Los Angeles Municipal Code Section per existing Department policy.

ADDITIONAL

At various times throughout the operational period, Bomb Squad personnel will respond to Area stations and pick up any temporarily stored fireworks. If your fireworks storage vehicle becomes full, please call the Bomb Squad for a pick up.

MOST COMMON FIREWORKS VIOLATION SECTIONS

- **57.55.01 LAMC** All Fireworks are Illegal in the City of Los Angeles. This section includes the use, giving, possession and selling of any fireworks.
- **12677 HS** Possession of Dangerous Fireworks Without a Permit. This section applicable to M-80's, M-100's, M-1000's or other illegal explosive devices, and fireworks that do not have the "Safe and Sane" variety seal.

Any large firework seizures such as a U-Haul truck or a garage filled with fireworks, shall be a Bomb Squad call-out in conjunction with CCS.

THE BOMB SQUAD CAN BE CONTACTED AT.

- Bomb Squad Office (213) 485-7474
- Real Time Analysis and Critical Response Division (RACR) (213) 978-6500

INCIDENT ACTION PLAN

Independence Day-Illegal Fireworks Response Plan June 1 through July 13, 2007

SITUATION: In a City Council motion, it was moved “that the LAPD, in conjunction with the LAFD and Parks and Recreation, be requested to draft a formal “Illegal Fireworks Response Plan,” including what resources can be deployed in each of its 19 geographic divisions with a special emphasis on South Los Angeles and the Harbor area, in a proactive effort beginning in 2007 to better enforce the City’s prohibition of the launching of fireworks around the July 4 weekend. This plan should include an enhanced community outreach and education programs utilizing the Senior Lead Officers.”

The motion was presented by Councilmember Janice Hahn and seconded by Councilmember Bernard C. Parks.

INTELLIGENCE: There are no immediate intelligence reports of person(s) or groups conspiring to either sell, distribute, possess or use illegal fireworks within the City.

THREAT ASSESSMENT: Historically, Independence Day celebrants’ purchase and use of illegal fireworks gradually increases throughout the month of June, culminating several days after July 4. According to the LAFD, there exists an elevated threat level for fireworks related brush fires.

MISSION: This IAP will address responsibilities of Communications Division, Real Time Crime Analysis Division (RACR), Criminal Conspiracy Section and Divisional Watch Commanders.

Communications Division: Commencing June 1, 2007, create a Master Incident History, based on a 24-hour occurrence period, commencing 0001 hours, ending 2400 hours, by division, for all shots fired and fireworks related calls. Moreover, calls related to the sale of fireworks shall also be reported.

RACR: Access the Master Incident History, by division. Conduct an analysis, based on 12-hour operational periods, for commonality to time, location, and suspect(s). Report the findings to the concerned watch commander for extra patrol and dissemination to a concerned Senior Lead Officer. In addition, the analysis shall be provided to the Criminal Conspiracy Section for appropriate action.

Criminal Conspiracy Section: Shall review the analysis for potential investigations related to the storage and sales of fireworks. Criminal Conspiracy Section will liaison with LAFD Arson and Emergency Services Division, Hazards Device Section when required, for appropriate follow-up.

NOTE: *The outlined mission(s) do not subordinate Communications Division from the standard dispatch policy.*

Independence Day-Illegal Fireworks Response Plan

June 1 through July13, 2007

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Supervision / Command and Control: Watch Commanders for Communications Division, RACR, and Geographic Areas, along with the CCS Section Officer-in-Charge shall be responsible for the timely recording, analysis, dissemination, response, follow-up, and ultimate reporting of actions taken.

ADMINISTRATIVE: Commencing June 8, and every Friday thereafter, Geographic Areas will provide the results of either direct calls for service, or follow-up action taken by Senior Lead Officers, via an Intradepartmental Correspondence, Form 15.2, to the Commanding Officer, Emergency Operations Division. The reporting time period will be from Friday 0800 hours through the next Friday, at 0800 hours. At a minimum, the number of citations issued, physical arrests/bookings, and quantity of fireworks seized shall be reported. Moreover, self-initiated police actions shall also be reported. Include date, time location and DR number. The correspondence shall be faxed to EOD at (213) 847-1796, no later than 1600 on each Friday.

COORDINATING INSTRUCTIONS: Non-applicable