


Date: June 22, 2021
To: Mayor and Members of the City Council
From: Thomas B. Modica, City Manager 

Subject: Illegal Explosives and Fireworks Action Plan Status Report

On June 23, 2020, the City Council adopted recommendations for an Illegal Explosives and Fireworks Action Plan (Plan) to address the illegal use of fireworks and explosives in Long Beach. To implement this Plan, the City Manager directed staff to develop a comprehensive citywide approach to respond to the increasing incidence of illegal fireworks activity. In response, an Interdepartmental Fireworks Working Group (Working Group) was formed and tasked to build upon efforts already in place to reduce illegal fireworks activity. The Working Group is comprised of representatives from the City Manager, City Prosecutor, City Attorney, Police, Fire, Disaster Preparedness and Emergency Communications, and Technology and Innovation Departments. Addressing this critical community concern was a City Council priority and \$350,000 was allocated in the Fiscal Year 2021 (FY 21) Budget to implement the Plan.

Since its initiation in July 2020, the Working Group has met regularly to coordinate resources to strengthen existing enforcement and to add new tools and penalties to address illegal fireworks activity. The attached Plan Status Report contains a detailed overview of the work and key actions of the Working Group since its formation in the following focus areas:

1. Supply Chain Confiscation
2. Regional Coordination
3. State Legislation
4. Increased Fines and Penalties
5. Community Outreach and Education
6. Data Collection and Reporting Mechanisms

The issue of illegal fireworks is complex and multifaceted and aggressive proactive strategies are necessary to address the quality of life impacts created by their use in the community. Through the focused interdepartmental coordination of the Working Group, the City has expanded the set of tools available to the City for enforcement and deterrence of illegal fireworks in the community.

If you have any questions regarding this matter, please contact Assistant City Manager Linda F. Tatum at (562) 570-6919.

ATTACHMENT

CC: CHARLES PARKIN, CITY ATTORNEY
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MONIQUE DE LA GARZA, CITY CLERK (REF. FILE #[20-0603](#))
DEPARTMENT HEADS

Celebrate ^{4th} of July
SAFELY

ILLEGAL EXPLOSIVES AND FIREWORKS ACTION PLAN



A Status Report on Actions to Reduce
Illegal Fireworks in Our Community

June 18, 2021



CITY OF
LONG BEACH



INTRODUCTION



In response to the City Council's adoption of the Illegal Explosives and Fireworks Action Plan in July 2020, an Interdepartmental Fireworks Working Group (Working Group) was established to respond to the increasing use of illegal fireworks. The Working Group's mission is to work collaboratively across City departments to reduce the incidence of illegal fireworks in our community. The Working Group is comprised of lead staff in the Office of the City Manager, City Prosecutor, City Attorney, Police, Fire, Disaster Preparation and Emergency Communications, and Technology and Innovation Departments. Since its initiation in August 2020, the group has focused on the following areas:

1. Supply Chain Confiscation
2. Regional Coordination
3. State Legislation
4. Increased Fines and Penalties
5. Community Outreach and Education
6. Data Collection and Reporting Mechanisms

A discussion of each focus area and objectives is provided below followed by the progress and accomplishments of the Working Group over the past year of its operation.

FOCUS AREA 1

SUPPLY CHAIN CONFISCATION

Arrests for the sale of fireworks not only reduce the number of fireworks on the street, but the publicity from the confiscation of fireworks caches has, in prior years, been an effective tool in the curtailment of fireworks activity. The Police and Fire Departments continually strategize on how best to deploy resources to disrupt the supply chain, and to seek opportunities for collaborate with the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), U.S. Customs and Border Protection (CPP), and other federal and state agencies toward this end.

From December 1, 2020 through June 15, 2021, the Police Department has conducted several fireworks confiscation activities with the following outcomes:

- 13** misdemeanor citations/arrests
 - 3** felony arrests
 - 1** search warrant, with additional search warrants pending
- Seizure of **20** firearms, including **7** assault rifles.
- Seizure of **19,720** pounds of illegal fireworks

The Police Department anticipates that these numbers will continue to accrue quickly through the July 4th holiday.

1.0 SUPPLY CHAIN ARRESTS				
Action	Description	Lead(s)	Status	Benchmark(s)
1.1	Ongoing Enforcement. Year-round enforcement of illegal fireworks sale and distribution. This includes intelligence gathering, investigations, and arrests of individuals distributing illegal fireworks throughout the city.	Police	Implemented	Ongoing
1.2	Strategic Confiscation. Seasonal deployment of additional law enforcement resources during the period leading up to and including the Fourth of July, as well as New Year's Eve. These resources include officers to augment efforts to disrupt the illegal fireworks supply chain, as well as officers to respond to reports/ complaints of fireworks activity.	Police	Implemented	Currently planning for July 4, 2021
1.3	Ongoing Collaboration. Collaborate with the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), U.S. Customs and Border Protection (CPP), and other federal and state agencies.	Police	In Progress	In progress

FOCUS AREA 2

REGIONAL COORDINATION

Several of Long Beach's neighboring cities permit the sale of "safe and sane" fireworks. While less disruptive than the skyrocketers and explosives (e.g., M-80s), these fireworks have the potential for harm to persons and property. It is not likely the City and other regional cities that prohibit the sale of fireworks can convince those that allow the sale of fireworks to stop doing so. Fireworks stands are frequently operated by community groups (e.g., youth sports organizations) for fundraising purposes.

With increased public access to "professional" fireworks and prevalent use of fireworks for events in addition to the July 4th and New Year's Day celebrations, many cities in the region, and statewide, prohibit all fireworks and share the goal of reducing the negative impacts caused by illegal fireworks. The Police and Fire Departments continuously engage cities in the region, as well as professional associations to collaborate and share best practices that can be undertaken to combat the harm caused by illegal fireworks activity.

The League of California Cities has also convened a regular roundtable discussion for cities to share policy recommendations and best practices around fireworks enforcement, and City staff has been an active participant in these meetings.

2.0 REGIONAL COLLABORATION				
Action	Description	Lead(s)	Status	Benchmark(s)
2.1	Ongoing Engagement. Collaborate with other cities in the region, as well as professional associations, to identify what collaborative efforts could be undertaken to impact both illegal and "safe and sane" fireworks.	Police, Fire	In Progress	Initial outreach to partner agencies completed by May 31, 2021
2.2	Statewide Collaboration. Participate in League of California Cities Task Force and Cal Fire statewide fireworks taskforce.	Police, Fire	In Progress	Participating in League of Cities Task Force; Awaiting initiation of Cal Fire task force

FOCUS AREA 3

STATE LEGISLATION

Legislation banning the sale and use of fireworks in the State of California, except for use in professional fireworks displays, has been on the City’s State Legislative Agenda since 2005. There have been several attempts in the Legislature to strengthen the restrictions on fireworks over the past 15 years, though none have been successful. Staff, working in collaboration with the State Legislation Committee and the City’s lobbyist, continue efforts to bring about a total Statewide ban.

In the 2021 legislative session, two separate bills were introduced:

SB 277 (Archuleta) expands the definition of a dangerous firework to include any firework that contains lead and lead compounds and hexachlorobenzene, thereby expanding the scope of what types of fireworks are considered a crime to possess. The bill would require the State Fire Marshal to consult with relevant federal and state agencies to develop specific protocols and procedures for the safe seizure, storage, repurposing, destruction, or disposal of specified dangerous fireworks. The City, through the State Legislation Committee, has submitted a letter in support of SB 299.

AB 1497 (Frazier) which proposes to increase the amount of the fine to be imposed for violating the State Fireworks Law or related regulation, would increase the amount of certain fines for possessing a specified amount of dangerous fireworks, and would specify the fine and imprisonment penalties for a 3rd or subsequent conviction. This bill is currently inactive and will not be adopted in 2021.

3.0 STATE LEGISLATION				
Action	Description	Lead(s)	Status	Benchmark(s)
3.1	Support Statewide Ban. Undertake efforts to try to bring about a total ban of fireworks in California.	State Legislation Committee, Government Affairs	Implemented	Efforts ongoing

FOCUS AREA 4

FINES AND PENALTIES

On October 13, 2020, the City Council directed the City Manager to develop an amended Ordinance to provide additional enforcement tools and an increase in penalties to deter the illegal use of fireworks in Long Beach.

It has long been the City's practice to issue criminal citations for fireworks violations. Violations of Long Beach Municipal Code (LBMC) Section 18.48.730 Fireworks Display (City Fire Code adopted from the California Fire Code Chapter 56) are pursued criminally by the City Prosecutor's Office. The fines and penalties may increase depending on the quantity of fireworks in possession and their classification.

In the past, the City has been able to issue administrative citations which can carry fines up to \$1,000, per California Government Code Section 36901, for violations of ordinances. However, enforcement of fireworks through the administrative citation process presented unique challenges since the existing law required the violations to be directly observed by law enforcement personnel and were difficult to tie to real property.

In response to City Council's directions, the City Attorney, in collaboration with the Working Group, developed an Ordinance which was adopted as an urgency ordinance by the City Council on June 8, 2021, adding Long Beach Municipal Code Chapter 8.81 relating to fireworks. The amended ordinance provides for social host liability for illegal fireworks, allowing fire department, law enforcement, and code enforcement personnel to hold the owner or person in charge of real property, or conducting an illegal fireworks event, responsible for any costs incurred by the city to respond to or investigate the illegal fireworks activity. The ordinance also holds hosts liable if a host aids or abets the discharge of illegal fireworks in the adjacent public right-of-way.

These fees and penalties have been set at the maximum allowable amount under State law. The administrative penalties are \$1,000 per violation, plus \$250 if fireworks need to be disposed of by the Fire Marshal. The response costs for which a violating party may be liable consist of 100% of the actual costs of response, which could exceed \$20,000 for a large fireworks activity requiring seizure of fireworks and investigation requiring multiple City Departments.

On June 15, 2021, the City Council approved adding these new fees to the City's Master Fees and Charges Schedule. A thorough review of these costs for service will be undertaken as part of a Citywide Fee Study and will be subsequently updated.

4.0 FINES AND PENALTIES				
Action	Description	Lead(s)	Status	Benchmark(s)
4.1	Explore New Penalties. Research the fines and penalties leveled by other California cities and counties.	City Manager, City Attorney	Completed	LBMC 8.81 adopted as an emergency ordinance by City Council on June 8, 2021
4.2	Adopt Cost Recovery Fee. Evaluate the potential to increase fine amounts through a new ordinance, or through the addition of new fees, and prepare recommendations for City Council consideration.	City Attorney, City Prosecutor	Completed	Amendment to Master Fees & Charges Schedule adopted by City Council on June 15, 2021

FOCUS AREA 5

COMMUNITY OUTREACH AND EDUCATION

In 2019, the Office of Public Affairs and Communications (OPAC), housed in the City Manager's Office, created a communications strategy and branding campaign, called "Celebrate Safely," which focused on messaging the fireworks ban to both adults and youth. Information around fireworks regulations and outreach campaign are available on the City's website (www.longbeach.gov/fireworks). The campaign has emphasized fireworks safety and revolves around three messages:

- Following the law and not lighting fireworks,
- Going to permitted professional fireworks shows
- Participating in the myriad of community celebration events available as an alternative to fireworks

The Celebrate Safely campaign has become a year-round message with a concentrated focus around the July 4th holiday, continually informing the community about the illegal use of fireworks throughout the year around major holidays including Labor Day and New Year's Eve. The campaign uses multiple strategic methods, including:

- Digital communications (social media, internet/web, newsletters, animations),
- Print communications (fliers, coloring sheets for children, interior bus cards) in multiple languages,
- Outdoor communications (lawn signs, digital freeway billboards, messaging at community events, lifeguard tower notices, signage on City vehicles),
- News media communications (press releases, confiscation-related press events, featured articles), and,
- In-person communications including Police and Fire Department staff attendance at neighborhood meetings and other community events, and focused canvassing activities.

In 2021, several fireworks campaign tactics were expanded upon and new tactics were incorporated into the campaign to reach an even broader cross-section of the Long Beach population while stepping up communications in focus areas of the City based on past fireworks activity. New tactics include bus exterior and bus shelter advertising; paid social media campaign; paid digital advertising campaign; and ads in local printed news publications.

The City is working with all available networks and resources to notify the public about illegal fireworks enforcement, including the new social host responsibilities and enhanced penalties that include full cost recovery for fireworks citations. A "fireworks toolkit" has been shared with neighborhood and community groups and distributed to all City Council offices. Flyers are being distributed door-to-door in areas where fireworks activity has been prevalent in the past, as well as being distributed to apartment owners' associations and all applicants for block party permits.

5.0 COMMUNITY OUTREACH & EDUCATION				
Action	Description	Lead(s)	Status	Benchmark(s)
5.1	Outreach. Evaluate "Celebrate Safely" campaign and prepare a work plan for accomplishing campaign goals for July 4, 2021.	OPAC, Police, Fire, and City departments	Completed	2021 Celebrate Safely campaign launched on May 14, 2021
5.2	New Penalties. Evaluate the potential to increase fine amounts through a new ordinance, or through the addition of new fees, and prepare recommendations for City Council consideration.	City Attorney, City Prosecutor	Completed	LBMC 8.81 adopted as an emergency ordinance by City Council on June 8, 2021

FOCUS AREA 6

DATA COLLECTION AND REPORTING MECHANISMS

Reporting Tools

The City encourages all residents to submit evidence of illegal fireworks activity through the City Prosecutor's fireworks portal, which can be accessed through www.longbeach.gov/fireworks. The portal, which went live on June 22, 2020, allows residents to directly report illegal fireworks, as well as upload photographic evidence of the discharge of fireworks. As a result of the portal:

260 letters have been sent to property owners and tenants of properties alerting them they could face legal action if fireworks are permitted to be discharged on their property.

2 criminal misdemeanor cases were filed in court based on video evidence provided through the portal, in addition to 62 citations presented by law enforcement for criminal charges.

Additionally, the City Prosecutor and the Technology and Innovation Department (TID) are working to integrate the existing City Prosecutor fireworks portal with the GO Long Beach application. This collaboration will allow residents to use the GO Long Beach mobile application to report fireworks activity near them, including providing photos, videos, and addresses. Users will have the ability to choose to formally report the activity directly to the City Prosecutor, who can then follow up with the resident to initiate an investigation and file charges if the evidence is sufficient.

The City is currently testing the new functionality available through the GO Long Beach application for fireworks reporting and aims to launch and promote the new functionality in time for the Labor Day holiday.

Fireworks Data

The Police Department works closely with Disaster Preparations and Emergency Communications (DPREP) and City Prosecutor's Office to keep records of fireworks-related calls for service and have developed the attached heat maps (Appendix A) showing the citywide and division-wide distribution of fireworks calls for service since 2016. These maps indicate that the origin of these calls for service appear most often in clusters in Downtown, Central, and North Long Beach, as well as along the shoreline. This data is shared across City departments and has been used to inform targeted public outreach and enforcement efforts.

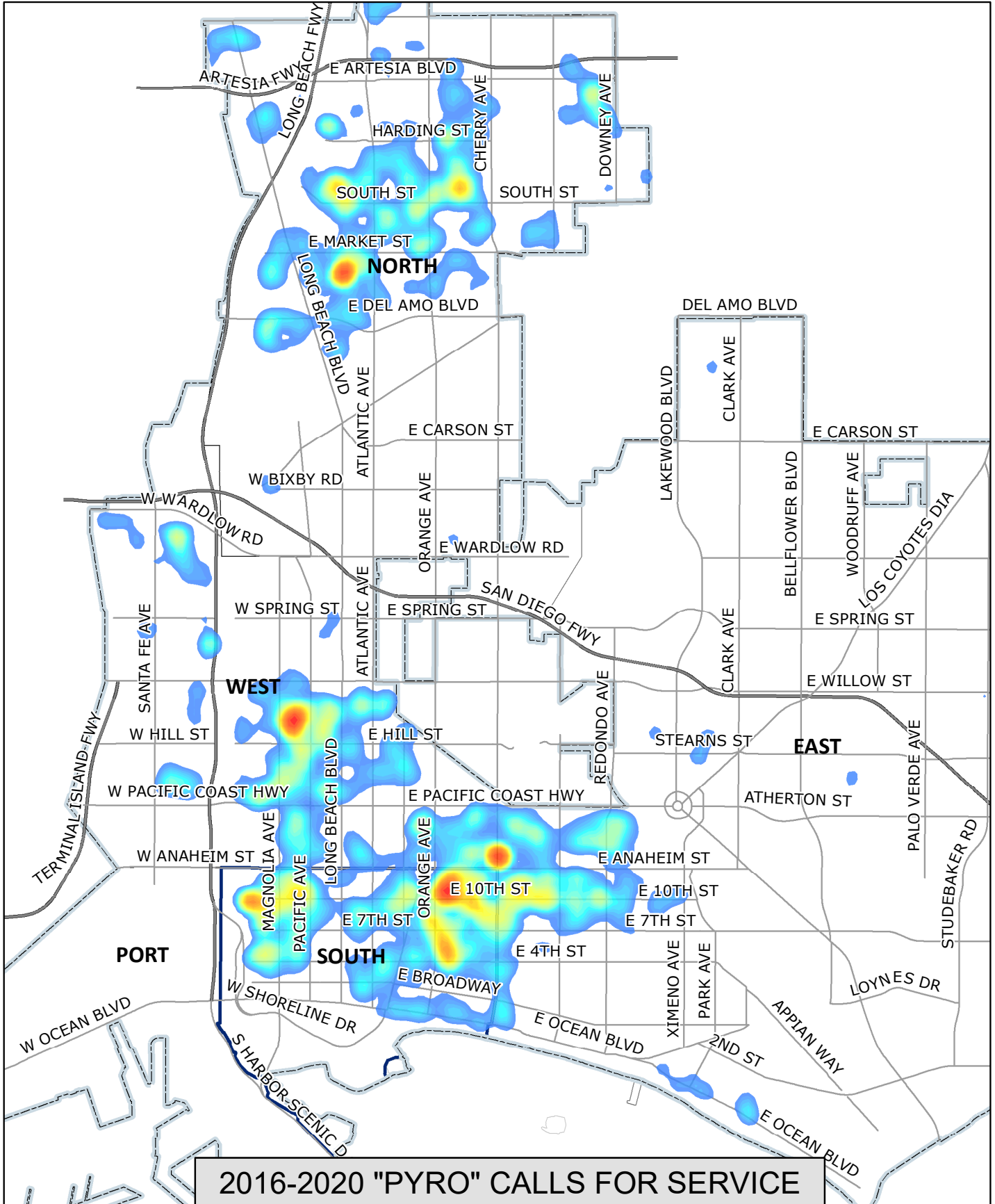
FOCUS AREA 6 (CONT'D)

DATA COLLECTION AND REPORTING MECHANISMS

6.0 DATA COLLECTION & REPORTING MECHANISMS

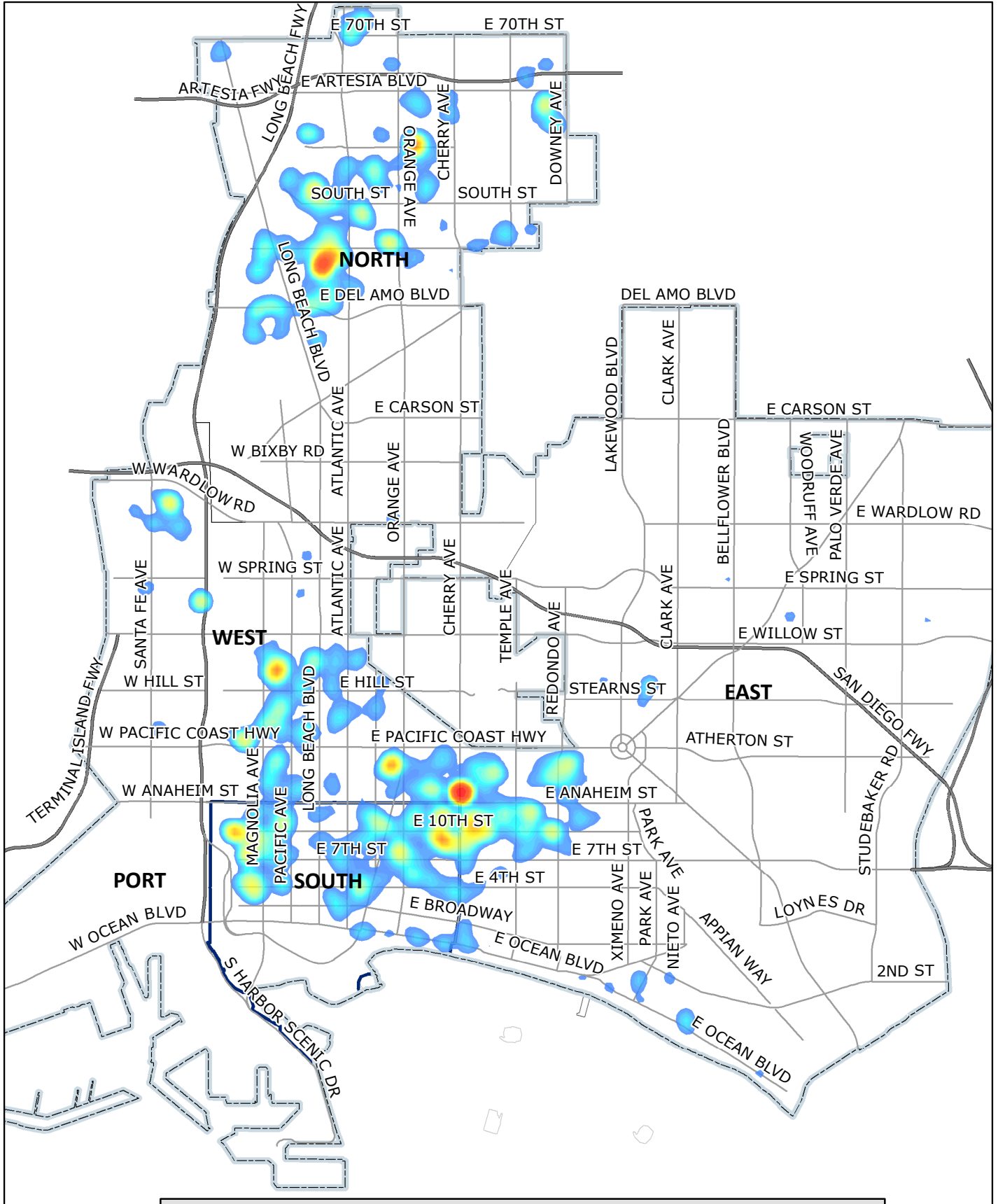
Action	Description	Lead(s)	Status	Benchmark(s)
6.1	Reporting Tool. Promote the City Prosecutor's portal for reporting illegal fireworks	OPAC, City Prosecutor	Implemented/ Ongoing	City Prosecutor reporting tool launched June 2020. Integration with Go Long Beach app to be completed in August 2021
6.2	Fireworks Activity Data. Create a live heat map of illegal fireworks activity through Go Long Beach based on calls for service and reports through the Go Long Beach application. The information will be used for future education and enforcement efforts.	Technology & Innovation, Police, City Prosecutor, DPREP	Ongoing	Ongoing

APPENDIX



2016-2020 "PYRO" CALLS FOR SERVICE
CITYWIDE DENSITY MAP

APPENDIX

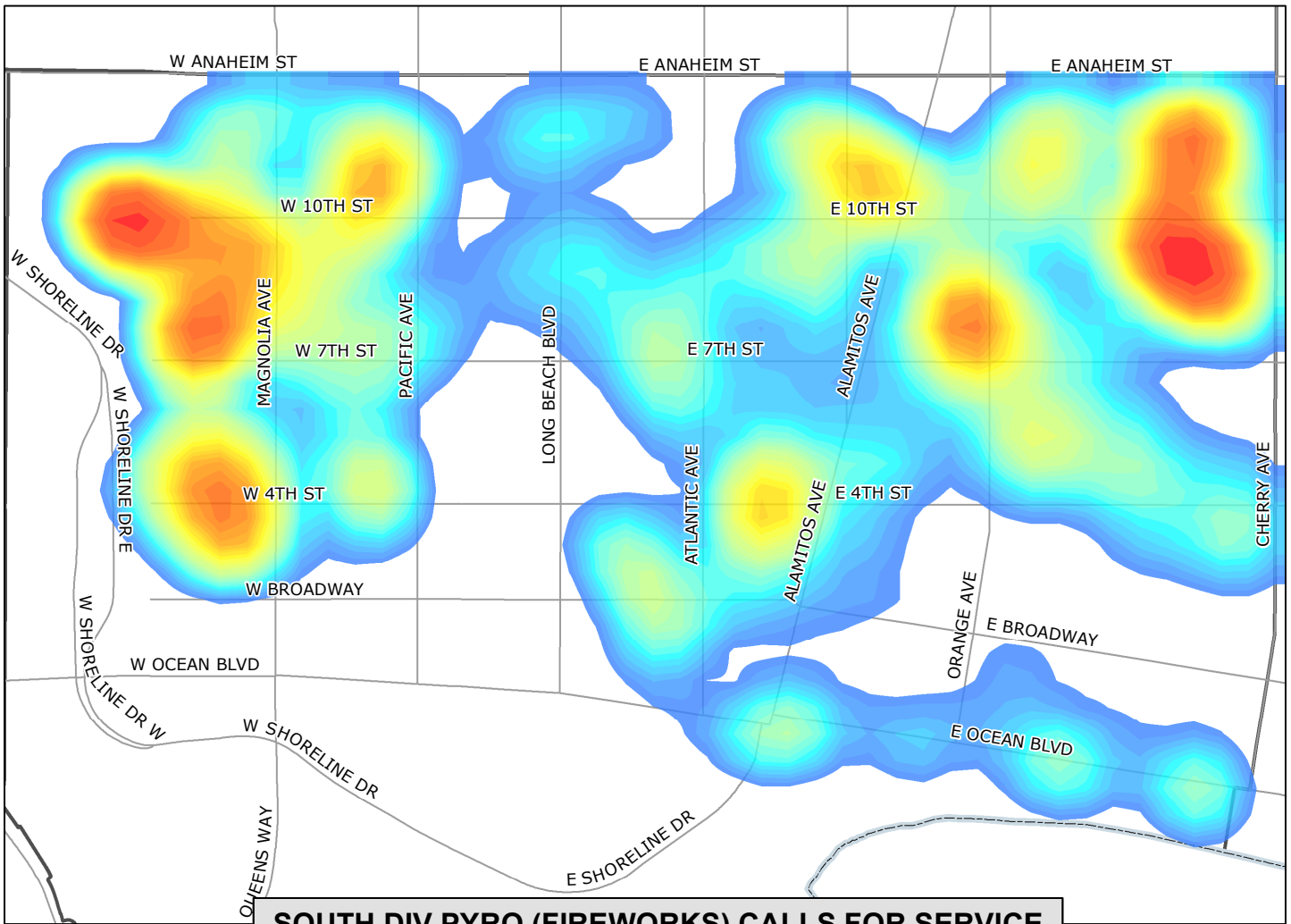


A. COOPER
SID
CRIME ANALYST

**CITYWIDE PYRO (FIREWORKS) CALLS FOR SERVICE
MAY 11 2020 - MAY 11 2021**

05/12/2021

APPENDIX

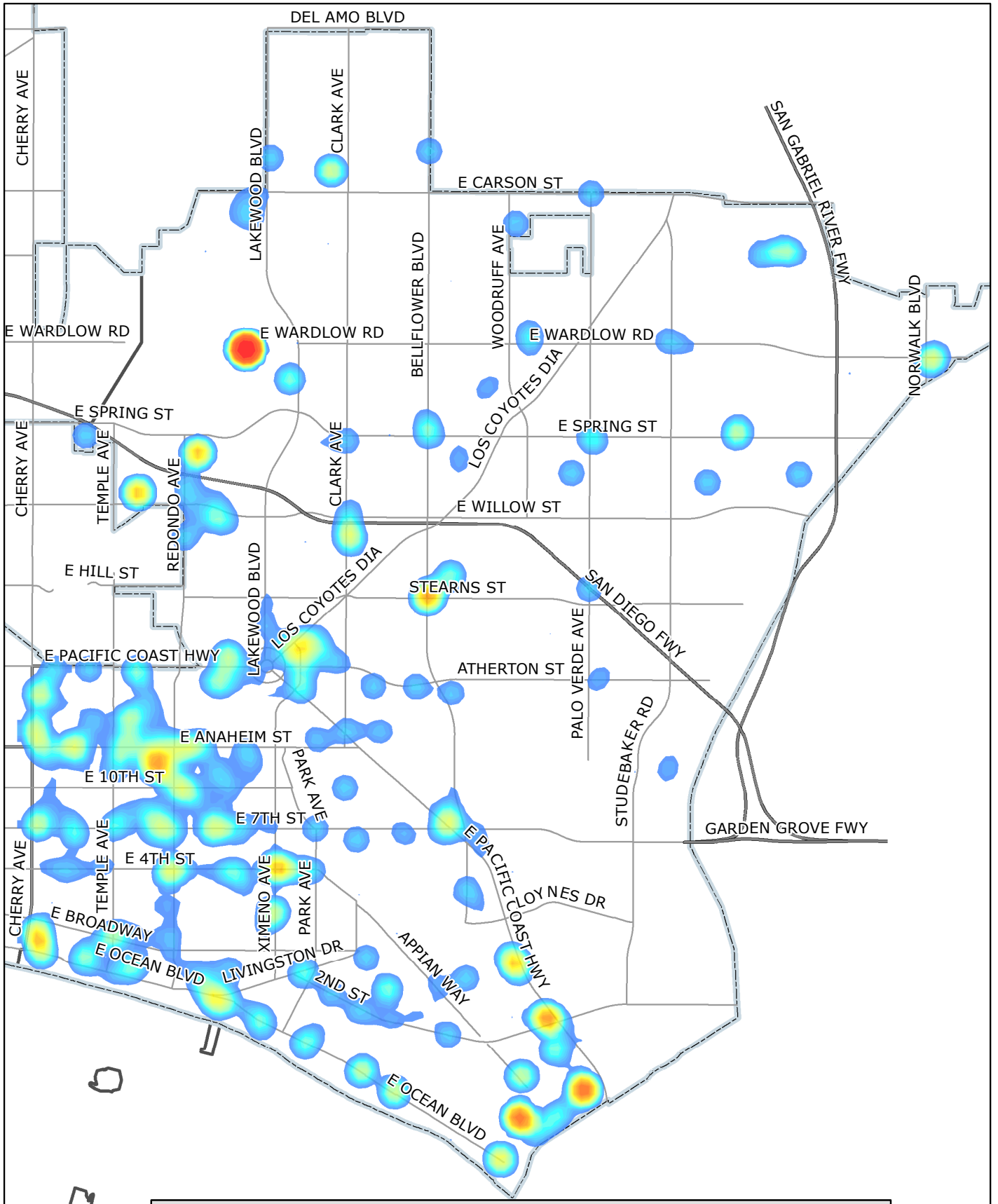


A. COOPER
SID CRIME ANALYST

**SOUTH DIV PYRO (FIREWORKS) CALLS FOR SERVICE
MAY 11 2020 - MAY 11 2021**

05/12/2021

APPENDIX

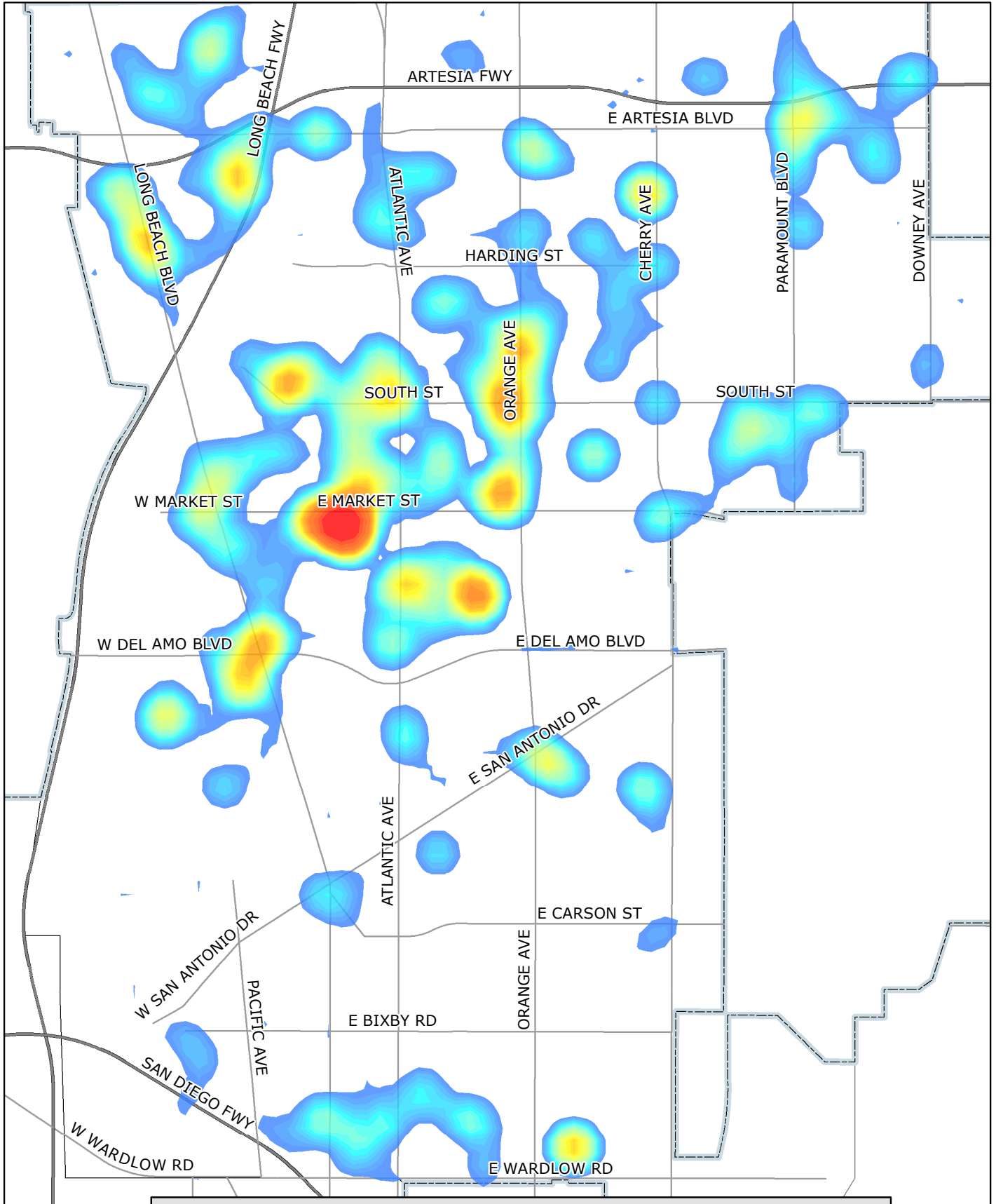


A. COOPER
SID
CRIME ANALYST

**EAST DIV PYRO (FIREWORKS) CALLS FOR SERVICE
MAY 11 2020 - MAY 11 2021**

05/12/2021

APPENDIX

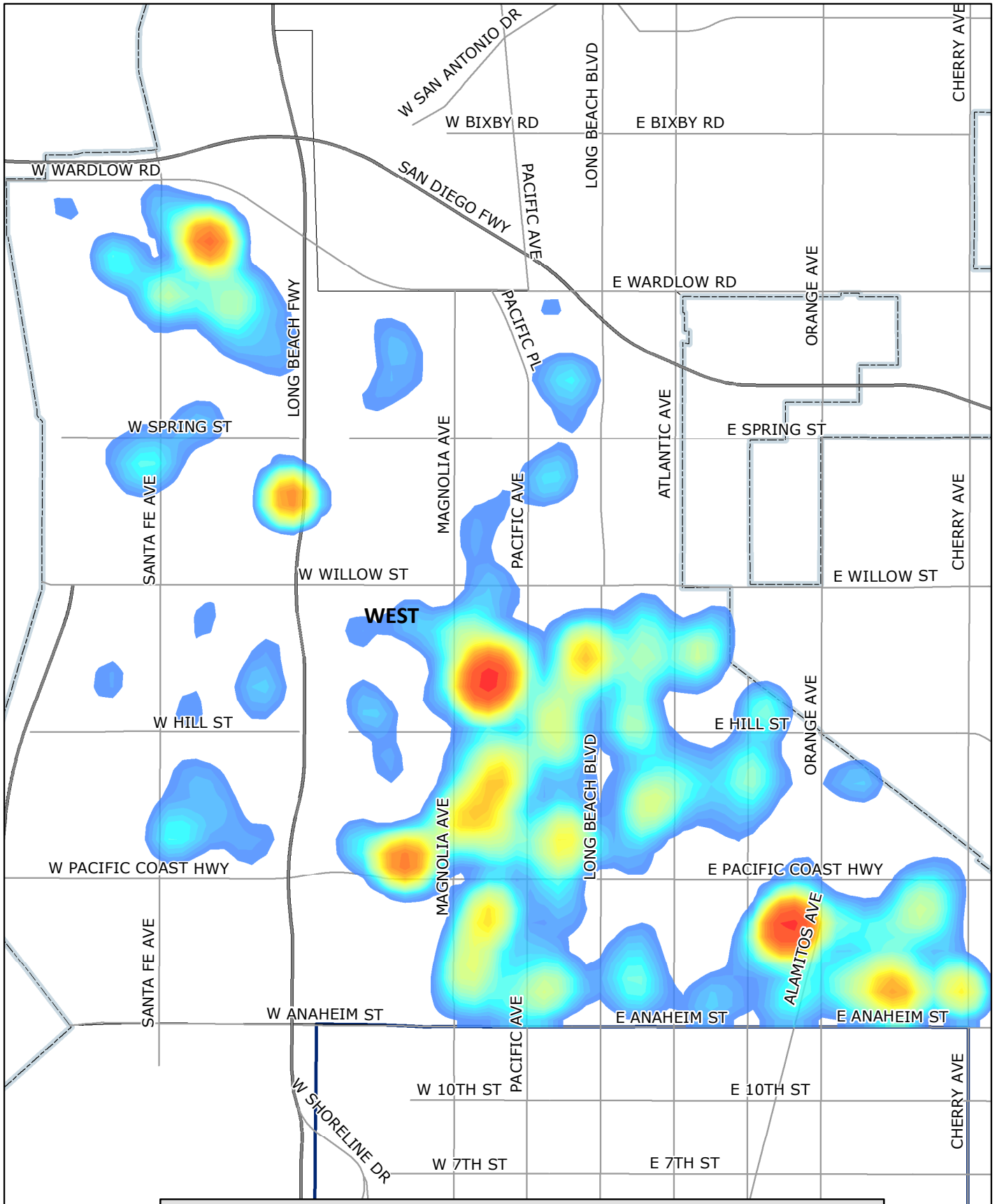


A. COOPER
SID
CRIME ANALYST

**NORTH DIV PYRO (FIREWORKS) CALLS FOR SERVICE
MAY 11 2020 - MAY 11 2021**

05/12/2021

APPENDIX



A. COOPER
SID
CRIME ANALYST

**WEST DIV PYRO (FIREWORKS) CALLS FOR SERVICE
MAY 11 2020 - MAY 11 2021**

05/12/2021



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To request this information in an alternative format or to request a reasonable accommodation, please contact Office of the City Manager at 562.570.6397. A minimum of three (3) business days is requested to ensure availability. Reasonable attempts will be made to accommodate request made within less than three (3) business days.