



# Memorandum

**TO:** PUBLIC, SAFETY, FINANCE, AND STRATEGIC SUPPORT COMMITTEE **FROM:** Robert Sapien, Jr.

**SUBJECT:** FIREWORKS ORDINANCE WORK PLAN STATUS REPORT **DATE:** April 10, 2018

Approved



Date

4-11-18

## RECOMMENDATION

Accept the status report on the implementation of the Fireworks Ordinance Work Plan.

## BACKGROUND

On November 28, 2017, the City Council accepted the 2017 Fireworks Ordinance Work Plan status report. Staff took immediate action to implement several improvements for the New Year's Eve and Tet/Lunar New Year reporting periods to include the following:

- Created a "Save Lives, Including Your Own" New Year's Eve fireworks and Tet/Lunar New Year campaign;
- Established a dedicated phone line for reporting illegal fireworks activity;
- Updated the Fireworks Online Reporting Form; and
- Established new advance deposit hardship waiver qualification criteria for all administrative citations.

This memorandum summarizes illegal fireworks mitigation activities related to the New Year's Eve reporting period covering December 18, 2017 through January 3, 2018 and the Tet/Lunar New Year reporting period covering February 1 through 18, 2018. It also provides an overview of the work plan for the 2018 July Fourth holiday.

## ANALYSIS

### **City Manager's Communications Office**

Taking a targeted approach, the Communications Office created a "Save Lives, Including Your Own" New Year's Eve illegal fireworks flyer (ATTACHMENT A) and a Tet/Lunar New Year flyer (ATTACHMENT B). Following City Council direction to emphasize consequences and due to multiple community safety concerns on New Year's Eve, the New Year's Eve flyer

combined the anti-fireworks message with messages about the dangers of driving under the influence, shooting firearms, as well as the associated fines. This flyer was provided in English and Spanish. The Tet/Lunar New Year flyer tied into the Year of the Dog theme and included information about fines for fireworks use. Information was provided in English, Chinese, and Vietnamese. Both flyers highlighted the use of the online fireworks reporting tool and included the new hotline phone number.

Communications staff provided these messages for City Council offices to use in their constituent newsletters. Flyers were made available to Council offices and to the Police and Fire departments to distribute to the community. Flyers and related posters were also posted at the City's animal shelter, libraries and community centers, City Hall, the Regional Wastewater Facility, and San José Municipal Water.

In coordination with the Eastside Union High School District, which has an enrollment of 23,600 students, the New Year's Eve flyer was distributed to all EUHSD parents who use Schoology. Using Peachjar, another schools-focused online site, the flyer was emailed to nearly 4,000 parents of Oak Grove elementary schools (the maximum allowed using the free version of the system); metrics show that nearly 40 percent of recipients (or 1,500 people) opened the flyer.

The Office of Communications secured a Vietnamese KAZA radio segment where bilingual Fire Department staff participated in an interview on the dangers of fireworks. This segment also included a call-in question/answer session with listeners. Media ads were placed in the Vietnam Daily and on Civic Center TV. Communications staff also coordinated news releases and a series of social media messages on Nextdoor, Facebook, and Twitter throughout each reporting period.

### **Fire Department**

All 33 fire stations were directed to display "Fireworks are Illegal in San José" Banner from December 14<sup>th</sup>, 2017 through February 16, 2018. This approach was intended to capture both New Year's Eve and Tet/Lunar New Year reporting periods. For the Tet/Lunar New Year reporting period, the Bureau of Fire Prevention staff conducted community outreach to business owners in areas previously known for fireworks activity. The Fire Department made in-person contact with approximately 60 property owners, businesses, and community organizations to encourage them to obtain a Fireworks Permit and hire licensed, professional pyro-technicians who can safely and legally set off firecrackers, particularly in front of retail locations where firecracker use has been a problem in past years. One business obtained a permit.

Fire Communications did not receive any Calls for Service during New Year's Eve that were related to fireworks use, however, after evaluating emergency responses, responding company officers determined that three incidents were fireworks-related. During the Tet/Lunar New Year period, ten calls for service were received. Responding company officers determined after responding that one additional incident was fireworks-related. Additionally, the Bureau of Fire Prevention issued four citations in the field totaling \$4,500 in fines.



## **Police Department**

The San José Police Department's School Liaison Unit handed out flyers at 18 high schools citywide primarily during the last weeks of December 2017. Also, the Police Department's Crime Prevention Unit handed out flyers at 16 regularly scheduled community meetings, reaching more than 800 attendees.

San José Police Department Communications reported receiving 111 Calls for Service related to fireworks during the entire New Year's Eve reporting period. From December 31, 2017 at 1942 hours (7:42 p.m.) to January 1, 2018 at 0025 hours (12:25 a.m.), 20 of the 36 calls had a final disposition of "NR" (No Resources), indicating that the Police Department did not have resources available to respond to the call. For example, during a 43-minute timeframe on New Year's Eve, officers were responding to Priority 1 and 2 Calls for Service, including a vehicle collision resulting in injuries, a drive-by shooting, a person stabbed, and a mentally ill person with a knife at a convenience store.

For Tet/Lunar New Year, the Police Department had 75 Calls for Service with 27 calls having a final disposition of "NR." Deployment of resources related to fireworks continues to be a challenge for the Department given the competing Priority 1 and 2 Calls for Service.

## **Online Reports**

A total of 261 reports were submitted online over the course of the two separate reporting periods. After the reporting periods, Code Enforcement reviewed the online reports using existing staff and issued appropriate warnings and citations.

As outlined in Table 1, out of the 78 online reports during the New Year's Eve reporting period, 72 were found to have insufficient information. Most reports provided no address, no named party, and no photographic or video evidence. Many contained no information at all or included vague descriptions about "hearing fireworks" in the reporting party's neighborhood (particularly during the New Year's Eve period). Six submissions provided sufficient information (such as an address) for the City to issue a warning notice, but no additional evidence that would allow for the issuance of a citation. In such cases, the warnings were issued to the Property Owner of record.

Similarly, a high number of online reports were non-actionable submitted during the Tet/Lunar New Year period, however, Code Enforcement was able to issue two \$500 citations (out of the 186 online reports submitted).

## **Phone Reports**

A dedicated phone line (408-535-5600) was established to assist the community in utilizing the online reporting tool and to provide a resource for community members without internet access to report illegal fireworks.

The Fireworks Hotline received a total of 318 calls during both of the reporting periods, 54 during the New Year's Eve reporting period and 264 during the Tet/Lunar New Year reporting period.

During the New Year's Eve reporting period, one call was received during Call Center business hours on December 28, two callers abandoned before their calls were answered, and 51 called after Call Center hours and were redirected to the City's contracted after-hours answering service. Of the 51 calls received, 28 were assisted with filing reports, and staff believes that the remaining 23 hung up before their call was answered. It is important to note that, before reaching staff, callers first hear a recorded message with information about accessing the online reporting form, so many may have gone online to make reports.

Of the 264 calls received during the Tet/Lunar New Year reporting period, 75 were answered during normal business hours by the Call Center with the remaining 125 hanging up before staff had the ability to answer their call. Another 50 came in after hours and were redirected to the after-hours answering service. The answering service had information and protocols available to assist these callers.

**Table 1: Illegal Fireworks Reporting Summary**

	New Year's Eve	Tet/Lunar New Year
Fire Permits	0	1
Police Block Party Permits	0	0
Online Reports	78 reports filed (72 Insufficient Info)	186 reports filed (52 Insufficient Info) 101 Incomplete Submissions
Citations Issued	0	6
PD Criminal Citation	0	1 - District L (Western Division)
Warnings Issued	6	31
Field Citations	0	0
Fire/PD Confiscations	0 lbs.	0 lbs.
Fire Calls for Service	0 *After the fact 3 fireworks related calls that included 2 fires   none related to med emergency	10 * 10 fireworks related calls that included 1 fires   none related to med emergency
PD Calls for Service	36	75
Hotline Calls	54 *1 by call center and 51 afterhours	264 *75 by call center and 50 afterhours

*Note: Insufficient Info is defined as reports lacking an address, name, or sufficient evidence to warrant a warning or citation. Incomplete submissions are reports that lack any information.*



## **Lessons Learned**

While the City has an ordinance making it clear that sale, use, possession, and storage of fireworks are illegal, the public continues to use fireworks within City limits. Based on staff's experience with the 2017-2018 New Year's Eve and Tet/Lunar New Year reporting periods, staff has determined the following:

1. Online Reporting Tool – An extremely high percentage of submitted reports contain insufficient or no information. It is possible that the public either does not understand the information required for the City to issue a citation or warning notice, or that the public is unable to provide the type of information required for the City to act.
2. Community members continue to voice concerns regarding the lack of police presence at known problem areas. There are not enough City staff resources to respond to Calls for Service due to higher priority emergencies during these same periods of high fireworks use.
3. Development of key performance metrics are necessary to assess if any of the City's efforts to address the illegal fireworks issue are working.

In addition to the above, community members have recently raised a new concern about the environmental impacts of litter and debris caused by fireworks.

## **Next Steps**

Planning is underway for the 2018 Fourth of July. The Fire Department has set program goals to lower injuries and fires, increase the number of actionable reports, and decrease the number of hot spots. Efforts to define, gather, normalize, and track data are underway, along with establishing performance metrics to measure against program goals focusing on incidents where an injury or property damage occurred because of fireworks. Staff continues to engage with stakeholders, including the Neighborhood Commission and the grassroots Stop Illegal Fireworks Committee.

The City Manager's Communications Office will coordinate with the Fire Department and other stakeholders on a messaging campaign. Staff will continue its ongoing collaboration with the Neighborhoods Commission to expand public education and reporting tool reach, particularly in hot spot neighborhoods. Staff will develop maps and information so Council Districts can reach out to neighborhood leaders in advance of July Fourth with campaign information. In addition, the Mayor's Office and City Manager's Communications Office have engaged with the Behavioral Insights Team to explore ways to change behavior utilizing existing data points and tools.

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Staff has investigated alternatives for proactive hotspot enforcement, however being proactive is challenging as all available patrol resources are committed to Priority 1 and 2 calls throughout the City on this busy holiday with major special events taking place. As an example, all on-duty specialized units are deployed to ensure traffic control and public safety related to the Downtown fireworks, Lake Almaden fireworks, and other special events. While some events hire some off-duty officers on overtime, this secondary employment staffing is not sufficient to cover the public safety needs of these events.

Lastly, on March 16, 2018, the Department applied for Federal Emergency Management Agency, Department of Homeland Security Fire Prevention & Safety Grant, to provide education and awareness funding to assist the City in accomplishing our goals. Award announcements are expected sometime in September 2018. FEMA will be awarding approximately \$34.5 million (approximately 150 awards) nationwide through the grant program. If the Fire Department is successful, this dedicated grant funding will target approved education and awareness activities from October 2018 through September 2020.

### **COORDINATION**

This memorandum was coordinated with the City Attorney's Office, City Manager's Communications Office, the Police Department, the Information Technology Department, and the Department of Planning, Building, and Code Enforcement.

/s/

ROBERT SAPIEN JR.  
Fire Chief

For questions, please contact Ryan Dulin, Deputy Director, at (408) 794-6984.

Attachment A: New Year's Eve Illegal Fireworks Campaign Flyer

Attachment B: Tet/Lunar New Year Campaign Flyer



# SAVE LIVES,

including your own,  
this New Year's Eve.



Fireworks are illegal and can cause fires, injuries, and deaths. **FIREWORKS USE FINE:** Up to \$1,000. **MISDEMEANOR OR FELONY** for selling fireworks: Up to \$50,000 fine and 3 years in prison.



Driving under the influence injures or kills thousands of people every year. **MISDEMEANOR OR FELONY:** Fines can be over \$10,000 plus jail or prison time.



Discharging firearms can cause injuries, deaths and property damage. At minimum, a **MISDEMEANOR:** Up to \$1,000 fine plus jail time.

Report fireworks in your neighborhood:  
[www.sanjoseca.gov/fireworks](http://www.sanjoseca.gov/fireworks) or 408-535-5600

The option to report anonymously is available.

Report gunfire or a drunk driver: **9-1-1**



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/CityofSanJose



en Español  
bằng tiếng Việt



# SALVE VIDAS,

incluyendo la suya,  
este fin de año.



Los fuegos artificiales son ilegales y pueden provocar incendios, lesiones y muertes. **MULTA POR USAR FUEGOS ARTIFICIALES:** hasta \$1.000. **DELITO MENOR O DELITO MAYOR** por la venta de fuegos artificiales: hasta \$50.000 de multa y 3 años de prisión.



Conducir en estado de ebriedad causa heridas o muertes a miles de personas cada año. **DELITO MENOR O FELONÍA:** Las multas pueden ser más de \$10.000 aparte, tiempo en la cárcel o prisión.



Descarga de armas de fuego puede causar lesiones, muertes y daños a la propiedad. Como mínimo, un **DELITO MENOR:** hasta \$1.000 de multa, y tiempo en la cárcel.

Reporte el uso de juegos  
pirotécnicos en su vecindario:  
[www.sanjoseca.gov/fireworks](http://www.sanjoseca.gov/fireworks)  
o 408-535-5600

La opción de reportar de  
manera anónima está disponible.

Reporte disparos o un  
conductor ebrio, llama: 9-1-1

# HÃY BẢO VỆ MẠNG SỐNG,

kể cả mạng sống của bạn  
trong đêm giao thừa.



Pháo bông là bất hợp pháp và có thể gây hỏa hoạn, thương tích, và tử vong. **TIỀN PHẠT ĐỐT PHÁO BÔNG:** lên đến \$1.000. **TỘI TIỂU HÌNH HOẶC ĐẠI HÌNH** cho việc mua bán pháo bông: Lên đến \$50,000 tiền phạt và 3 năm tù.



Lái xe dưới ảnh hưởng của rượu gây thương tích và đã giết hàng ngàn người mỗi năm. **TIỂU HÌNH HAY ĐẠI HÌNH:** Các khoản tiền phạt có thể hơn \$10,000 cộng với thời gian giam hoặc tù.



Nổ súng có thể gây thương tích, tử vong và thiệt hại tài sản. Ít nhất, tội **TIỂU HÌNH:** Tiền phạt có thể lên đến \$1,000 cộng với thời gian giam giữ.

Báo cáo việc đốt pháo  
trong khu phố của bạn:  
[www.sanjoseca.gov/fireworks](http://www.sanjoseca.gov/fireworks)  
hoặc gọi 408-535-5600

Bạn có thể báo cáo ẩn danh.

Báo cáo về tiếng súng hoặc người  
say rượu lái xe: gọi 9-1-1



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In English



**FIRECRACKERS ARE DANGEROUS AND ILLEGAL.**

*Celebrate Lunar New Year Safely!*



**REPORT ILLEGAL FIREWORKS USE:**  
**[www.sanjoseca.gov/fireworks](http://www.sanjoseca.gov/fireworks)**  
**or 408-535-6400**



# FIRECRACKERS ARE DANGEROUS AND ILLEGAL.

Fines up to \$1,000

## *Celebrate Lunar New Year Safely!*

燃放鞭炮是危险又不合法的  
罚款可高达\$ 1,000

庆祝农历新年安全第一

举报非法燃放鞭炮

查询请到网址 [www.sanjoseca.gov/fireworks](http://www.sanjoseca.gov/fireworks)  
或拨打电话 408-535-5600



CHƠI PHÁO RẤT NGUY HIỂM VÀ BẤT HỢP PHÁP.  
Tiền phạt lên đến \$1,000



Đón Mừng Tết Nguyên Đán Một Cách An Toàn!

BÁO CÁO HÀNH VI ĐỐT PHÁO TRÁI PHÉP TẠI:  
[www.sanjoseca.gov/fireworks](http://www.sanjoseca.gov/fireworks)  
hoặc 408-535-5600



**REPORT ILLEGAL FIREWORKS USE:**  
**[www.sanjoseca.gov/fireworks](http://www.sanjoseca.gov/fireworks)**  
**or 408-535-5600**