



**CITY OF GARDEN GROVE**  
**FIRE DEPARTMENT**

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July 18, 2008

Hon. Nancy Wieben Stock  
Presiding Judge of the Superior Court  
700 Civic Center Drive West  
Santa Ana, CA 92701

Dear Judge Wieben Stock:

I have reviewed the 2007-2008 Orange County Grand Jury report, "**The Anatomy of Safe and Sane Fireworks Sales in Orange County.**" The following are my responses to the findings requested.

**FINDING**

F-10 The use of illegal fireworks is significantly greater in cities that allow the sale of legal fireworks.

**RESPONSE**

I agree with the finding. With the sale of legal safe and sane fireworks there are a large number of gatherings, or celebrations within the community that culminate with fireworks displays. The allowance of legal safe and sane fireworks discharged at these gatherings appears to attract a greater number of citizens, or visitors interested in discharging illegal fireworks.

**FINDING**

F-11 The use of legal fireworks can mask the use of illegal fireworks.

**RESPONSE**

I agree with this finding. Due to the large volume of legal safe and sane fireworks, especially during the four or five hours of peak volume on the Fourth of July, the discharge of illegal fireworks often blends in with the discharge of legal safe and sane fireworks. This blending of firework types causes it to be more difficult to determine the property owner who is allowing the use of illegal fireworks.

## **FINDING**

F-12 Safety officials are of the opinion that legal fireworks sales should be banned in the interest of public safety.

## **RESPONSE**

I agree with the finding. Public safety personnel from both police and fire have gone on record in the past stating that in the interest of the fullest protection of public safety, legal safe and sane fireworks should be banned. These statements are made based on a consideration of public safety interests only, and do not reflect on other community influences.

## **FINDING**

F-13 Safety officials can significantly curb the use of illegal fireworks in these cities within three years if the sale of legal fireworks were banned.

## **RESPONSE**

I disagree partially with the finding. A ban on all fireworks, and a zero tolerance would make enforcement easier as violators would be more discernable. However, the three-year time frame is more difficult to agree on. It would be more accurate, in my opinion, to state that the goal of any program to curb illegal fireworks would be based upon an incremental time schedule and enforcement.

There are options available for curbing the use of illegal fireworks other than a ban on the sale of legal safe and sane fireworks. For example, the City is conducting a high profile attempt to dissuade the use of illegal fireworks with the use of fines, increased enforcement, and a parallel public information campaign. This effort is disadvantaged by the sheer volume of activity, in regards to both legal safe and sane and illegal fireworks, during a relatively short period of time on the evening of the Fourth. Although in 2008, there was a significant drop in the number of observed illegal firework discharges. The observation was backed by the reduction of both calls for service and administrative citations issued.

The City of Garden Grove is two years into a public awareness campaign, increased enforcement, and administrative citation program to reduce the use of illegal fireworks. It is difficult to gage a program's

effectiveness on limited experience, no matter how encouraging the initial information. Further assessment is needed to determine if the City's strategy will be successful over the longer-term.

If I may be of assistance on this or any related matter, please contact me at your convenience.

Sincerely,

A handwritten signature in cursive script that reads "Dave Bertka". The signature is written in black ink and is positioned to the right of the typed name.

Dave Bertka  
Fire Chief