



CITY OF GARDEN GROVE POLICE DEPARTMENT

A NATIONALLY
ACCREDITED LAW
ENFORCEMENT
AGENCY

JOSEPH M. POLISAR
CHIEF OF POLICE

July 14, 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.**" Certainly, the issue of illegal fireworks is of great concern for our communities. After much deliberation and study with my command staff of the findings and recommendations set forth by the Grand Jury, I am pleased to forward to you my response.

FINDING

F-9 Safety officials cannot enforce all laws and municipal ordinances regarding the illegal use of legal fireworks due to the large volume of activity on the Fourth of July.

RESPONSE

I agree with the finding. The Garden Grove Police Department finds itself in a position that even under the most ideal circumstances, one in which nearly every officer within the Department is on duty on the Fourth of July, it is problematic to timely respond to all service needs.

During the last two Fourth of July holidays (2007/2008), the Department fielded a special detail of approximately 116 personnel to handle the enforcement, processing and other duties related to the discharge of illegal fireworks, as well as the misuse of legal ones. This did not include the personnel that were deployed to handle normal calls for service as part of our regular service levels or personnel from other departments within the City, such as the Fire or Public Works Departments.

Even with such a large contingency, the Department was still pending fireworks related calls for service for lengthy periods of time, especially between the hours of 8:00 to 11:00 pm. This was because special enforcement teams were issuing

administrative citations, seizing illegal fireworks and transporting, processing and turning them into the Fire Department. This did not allow officers the ability to handle the citizen's illegal fireworks calls as fast as they were coming in. However, we did see sizeable reductions in both calls for service and citations issued (see F-13 for details).

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. The use of illegal fireworks within the borders of Garden Grove appears to exceed that of neighboring cities. Officers who have worked on the Fourth of July report that the use of illegal fireworks is greater within the city limits than outside. One of the reasons is that officers who observe any fireworks in neighboring cities know that they have a violation. In cities such as Garden Grove, it is not only difficult to identify and apprehend the violator for reasons that will be discussed below. Our experience has definitely revealed that legal safe and sane fireworks do mask and increase the use of illegal fireworks. I do note, however, that the use of illegal fireworks appears to have increased substantially throughout the county, including in cities that prohibit all fireworks.

FINDING

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

RESPONSE

I agree with the finding. With only 5 cities in Orange County permitting the sale of legal safe and sane fireworks, the City of Garden Grove finds its visiting population increasing significantly during the Fourth of July. Many residents of other cities come to Garden Grove to celebrate the holiday with family and friends that reside in the City. Also, officers have found over the years that numerous individuals will come into Garden Grove, park on a residential street and ignite fireworks even though they know no one in that particular neighborhood.

With so many individuals igniting fireworks in the residential communities, it is very difficult for officers to locate illegal fireworks being ignited. This is because with such large quantities of flashes and flames coming legal safe and sane fireworks, officers have trouble sorting through the displays to find the illegal ones that they can hear and/or see. Finding the specific source can be difficult at times.

In addition, one of the more difficult problems encountered by officers enforcing fireworks ordinances and laws, is in actually getting to the violators in the first place. With most residential neighborhoods packed with fireworks displays being ignited in the streets and block parties actually closing off their streets, officers find it very difficult to actually get vehicles into the middle of residential tracts to conduct enforcement efforts. Both the large number of people in the street, as well as clouds of smoke and flashing lights, require officers to drive extremely slow through residential streets due to poor visibility.

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 public safety, legal safe and sane fireworks should be banned. This opinion is based on numerous years of experience policing the City during these holiday events. It is also based on research and through communications with other local jurisdictions that deal with similar issues in their respective cities.

These statements are made based on a consideration of public safety concerns only. It is understood that there are issues and considerations that other City personnel must take into account when addressing the issue of banning legal safe and sane fireworks sales.

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. This finding is the most problematic from a timing standpoint. While it is believed that our agency can significantly curb the use of illegal fireworks over a period of time if the sale of legal safe and sane fireworks were banned, it is difficult to state that this can be accomplished over a three-year period. The use of both legal safe and sane and illegal fireworks has been around for many years. With a combination of a fireworks ban, as well as continued enforcement efforts, it is believed that the incidents of illegal fireworks usage can be significantly reduced. However, determining a specific time period would be difficult until such time as both of these measures are implemented and the impact can be more accurately assessed.

In 2007, the City enacted ordinances in an effort to reduce the use of illegal fireworks. We now have 2 years of data to compare and though it is encouraging, it is still too early to make any predictions.

July 4, 2007/2008 Stats

<u>Calls For Service</u>	<u>2007</u>	<u>2008</u>	<u>%Change</u>
	192	155	- 19.3

<u>Admin. Cites</u>	<u>2007</u>	<u>2008</u>	<u>% Change</u>
	151	67	- 55.6

Anecdotally our overall observation was that there was a dramatic reduction in the use of illegal fireworks. However, there was the usual use of safe and sane fireworks. Of the 67 citations issued, 14 were for infractions carrying a \$100 fine and 53 were for the new Municipal Code violation carrying a \$1,000 fine. Of the 67 citations 29 were written to Garden Grove residents and the remaining 38 were to people not residing in Garden Grove.

It is too early to say why we have experienced these decreases in calls for service and citations issued. It could be a sign of the recession we are in, that public awareness has been raised, the fear of the \$1,000 fine, a combination of all these things. However, it is encouraging. We will just have to wait another couple of years to get a better idea if in fact the City's strategy is working.

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

Sincerely,



Joseph M. Polisar
Chief of Police