

## COUNTER-TERRORISM AND SPECIAL OPERATIONS BUREAU

**NOTICE**  
15.2

December 27, 2018

**TO:** All Commanding Officers

**FROM:** Commanding Officer, Counter-Terrorism and Special Operations Bureau

**SUBJECT:** LOS ANGELES POLICE DEPARTMENT FIREWORKS REDUCTION PROGRAM

The New Year's holiday period has historically brought about the proliferation of illegal fireworks throughout the City of Los Angeles. Not only do these fireworks pose a fire danger, they have repeatedly been the cause of life-threatening injuries. Additionally, the volume of fireworks-related calls for service adversely impacts available police resources.

In an effort to reduce the injuries 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 operation period for the Fireworks Reduction Program is from December 26, 2018, through January 5, 2019.

### **PUBLIC EDUCATION**

Personnel assigned to geographic Areas, particularly Senior Lead Officers, should 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 should engage the LAFD to assist with presentations at community meetings, schools, etc.

Presentations concerning illegal fireworks should focus on the following three points:

- Fireworks are extremely dangerous, and every year, fireworks cause significant injuries to both children and adults.
- Fireworks pose a high degree of fire danger, especially during the hot, dry months and in those areas where dry brush and other combustible material are present.
- Fireworks of any kind (including the "Safe and Sane" variety) are illegal within the City of Los Angeles, and law enforcement officers will take appropriate enforcement action.

## **ENFORCEMENT GUIDELINES**

Department personnel investigating the possession and/or use of illegal fireworks can use either of the following code sections as a means of enforcement:

- Los Angeles Municipal Code Section 57.5608.1.2: It shall be unlawful 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, via the Non-Traffic Notice to Appear, Form 05.02.02, for this violation. Juveniles may be cited utilizing a Traffic Notice to Appear, Form 04.50.00.
- Health and Safety Code Section 12677: 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 fireworks sales are permitted). Violations of 12677 of the Health and Safety Code is a misdemeanor and 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 these items.

- Any fireworks that appear to be modified, improvised or homemade.
- Any fireworks that may be deteriorated or leaking powder.

**NOTE: M-80 type devices shall only be transported or stored by members of the Bomb Squad.** Department personnel who encounter M-80 type devices should immediately notify the Bomb Squad.

The Bomb Squad should be contacted for any questions or concerns relating to the seizure, transportation and storage of fireworks. Prior to providing booking approval for any firework or explosive-related arrests, the involved watch commanders should seek advice from Criminal Conspiracy Section, Major Crimes Division, personnel.

Officers are encouraged to use discretion when determining the appropriate enforcement action when investigating the use of illegal fireworks. Consideration should be given to the existing call load, degree of cooperation, limited use of street-level fireworks in a community setting, number of participants/onlookers involved, etc. In some cases,

enforcement can be limited to seizure of the fireworks and the issuance of a receipt for property taken into custody.

### **HANDLING AND BOOKING OF FIREWORKS**

Department personnel may transport seized fireworks and store them in a temporary location as described below until they are picked up by Bomb Squad personnel. Personnel who encounter fireworks that appear to be modified, improvised, homemade, deteriorating, or leaking powder should seek approval from on-duty or on-call Bomb Squad personnel, prior to seizing or transporting the fireworks. These expedited procedures for handling illegal fireworks may only use during the Fireworks Reduction Program period.

### **REQUIRED REPORTS FOR CONFISCATED FIREWORKS**

- 1) Complete a Non-Traffic Notice to Appear with the suspect's thumbprint and photograph (if not in possession of identification). The Non-Traffic Notice to Appear should include the officers' observations, including what they heard and/or smelled. During this program period, no evidence DR number is necessary.
- 2) Take a clear photograph of the fireworks.
- 3) Complete a detailed Receipt for Property Taken into Custody, Form 10.10.00, including brand names, size and quantity, and issue a copy to the suspect.
- 4) Citing/arresting officers shall write 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 Traffic Notice to Appear for the appropriate Los Angeles Municipal Code Section, per existing Department policy. A Receipt for Property Taken into Custody shall be issued to the juvenile and their parent/guardian at scene.

### **FIREWORKS STORAGE**

- Fireworks may be temporarily stored in an unused Department Vehicle (van or other similarly sized vehicle), and parked in a shaded area of the station parking lot away from the gas pumps.
- Fireworks should be stored in separate, pre-labeled cardboard boxes (Safe & Sane, Dangerous Fireworks, Snap Cap fireworks, etc.).
- Do not stack boxes on top of each other. Fireworks are extremely sensitive to heat, shock, friction and pressure.
- Any Snap Cap fireworks 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 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. Should your fireworks storage vehicle become full, Bomb Squad personnel should be notified at (323) 342-4200 (Monday – Friday,

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0600 - 1600 hours). Off-hour notifications can be made through the Department Operations Center, at (213) 484-6700.

Department personnel encountering large quantities of illegal fireworks, i.e. U-Haul truck, warehouse, or a garage, should notify the Bomb Squad and Criminal Conspiracy Section to assist in the recovery and subsequent investigation.

As in prior years, Bomb Squad personnel will provide roll call training to patrol personnel in the weeks leading up to the New Year's holiday period. This training will include an overview of the illegal fireworks and related safety concerns, investigation and enforcement guidelines, protocols for transportation and storage, and notification procedures.

If you have any questions regarding this Notice, please contact Lieutenant Richard Smith, Emergency Services Division, at (323) 342-4200.

APPROVED:



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