

## Post Election Greetings ~

I had wanted to get this newsletter out to all of you sooner, but the past month has been a very busy one.

Each time there are explosions that disrupt and disturb us, we receive new enquires about Freedom From Fireworks, so I begin with a **welcome** to several new supporters of the Freedom From Fireworks campaign who are now receiving the e-newsletters.

The purpose of this newsletter is to inform everyone of an hour and a half meeting held almost a month ago (October 13th) with two County Sheriff Department officers -- Chief Craig Wilson and Lt. Jim Ross. Besides myself, three other FFF activists were present (Michael Lewis, and Richard & Ramona Andre). The report is long, but if one wants to be fully informed do find a time to settle in and read it all.

I arranged the meeting specifically to discuss our great disappointment and frustration at the lack of citations issued by County law enforcement during the 4th of July, as well as to learn what kind of "*new enforcement posture*" they had planned for violations of the ordinance prohibiting the possession and use of fireworks. Following is an outline of what we learned about their plans for July 4th, 2017.

### July 4th Teams

There will be two teams of three officers each whose assignment will be to observe fireworks use, with one officer acting as a "spotter" and the other two who will make contact with the person violating the ordinance.

Spotter Teams are the system used for gang and drug enforcement and it works well for that. Here's how it will work:

- On July 4th, spotter teams will look for offenders with the biggest ordinance.
- They will issue citations to those offenders for possession and/or use of fireworks.
- The officers will confiscate the fireworks of the person cited.
- The two teams will be mobile enough so that they can cover multiple locations each throughout the long night.

The two spotter teams will not be responding to calls that come through dispatch, but other officers will also cite offenders as they are encountered, whether as a result of response to a 911 call or even just as observed while on duty on the 4th. Unfortunately, "discretion" of the officer is still at play, as described further along in this newsletter.

Even as the Spotter Teams sound promising to us, we learned from both Wilson and Ross of their underlying

concern that confronting offenders in large groups of people creates the possibility of group response to the fireworks citations and confiscation. Lt. Jim Ross gave an example of such an incident a few years ago, where he was surrounded by angry revelers who "booed" him and ridiculed him when he cited and confiscated at the beach. He said it was tense and that he had no idea if or how that anger would have escalated out of control behavior (it did not escalate).

Our response was that while we understood their concerns, we still insisted that as many as citations as possible must be issued to teach the public that the law is the law and it will be enforced. We said it was the lack of enforcement for the past 20 years that had had the opposite effect -- it told the public that the law didn't matter and go ahead and shoot off your fireworks.

One thing FFF can do, as next July 4th approaches, is to recommend that the County and law enforcement ask the public to respect rather than ridicule and/or challenge law enforcement as it works to do its job in protecting the health & safety of the community by enforcing the fireworks law.

### New Year's Eve

We asked if a Spotter Team could be used for New Year's Eve, as an experiment to see how this system might work for the 4th of July 2017. Chief Wilson shared data that compared Fireworks Calls for Service on July 4, 2016

(169) and for New Year's Eve 2015 (17), suggesting that there would not be enough volume to justify the financial cost of a spotter team for fireworks on New Year's Eve and that people do not gather in large numbers in public places to use fireworks.

While hesitant to use a Spotter Team for fireworks this coming New year's Eve, Chief Wilson did ask "*Where do we go?*" on New Year's Eve and we said we would give him a list of locations where fireworks would probably be set off. Wilson will decide about using a Spotter Team and if so, we'll ask him to let us know his final decision prior to NY Eve. If they decide that other tactics may be more productive, we'll ask for a description of those "tactics."

### State Parks Beaches

Everyone agreed that the County Sheriff should service County jurisdiction before committing to request for patrol/enforcement at State beaches. We said we would work on that, communicating with CA Natural Resources Agency Secretary John Laird in Sacramento to do what he could to get more rangers on State beaches, not just on the 4th of July but year round. We'll check with the Board of Supervisors and see if they sent a request to the State prior to July 4th, 2016. If not, we'll ask them again to do so.

Chief Wilson continued to insist that they were only going to go for the big stuff (the bombs). He obviously does not share our view that the small stuff leads to the big

stuff and that the law says even safe & sane fireworks are illegal. We've much work ahead of us to get the Board of Supervisors to put more pressure on law enforcement in this regard.

### Discretion on Whether to Cite for Fireworks Possession or Use

We had a long discussion about an officer's discretion in issuing citations. Chief Wilson mentioned CA Penal Code Section 4, which he said gives discretion for citations for violation of any law. For instance, County law officers write very few traffic citations (ball park figure of 30 or 40 out of 500 cars pulled over in a year period).

### California Penal Code, Section 4.

Discretion in issuing a citation - or not - is left to the law enforcement officer. Section 4 states "*The rule of the common law, that penal statutes are to be strictly construed, has no application to this Code. All its provisions are to be construed according to the fair import of their terms, with a view to effect its objects and to promote justice.*"

What does that mean? In essence, PC Section 4 says that the code should be interpreted to the spirit not the letter of the law. So that begs the question of how any officer interprets what the spirit of the law is.

Chief Wilson did say that “one of the reasons we have

a law is so people will comply with it -- that may not require enforcement." We know that with fireworks ***this is not the case***, as witness the mayhem every 4th of July, where people not actually igniting fireworks nonetheless encourage that behavior by those who have purchased fireworks and even confront and boo any officer who cites and/or confiscates.

Much to our displeasure, Chief Wilson explained that society hasn't agreed about fireworks, with many wanting to use them. Our response is that no matter how many people want to use fireworks, until those people change the law they are bound by it. One can see - with Wilson's statement - that we still have a long road ahead of us.

### Reporting Possession and Use of Fireworks

In addition to reporting actual use of fireworks, throughout the year, whenever there is a known resident or location, make a call to either 911 or to 471-1121 (both go to a Regional 911 dispatcher).

- Give the address of the possessor or user of fireworks to the dispatcher.
- Ask the for an "incident number" and for a call back from the deputy assigned to the incident to report if (s)he made contact.
- If no contact is made (perhaps there was no answer at the door), and if the deputy will not try again, then make another call about that residence, repeating the process until satisfied that the resident has been contacted.

## Final Disturbing News

I wish I had a better note on which to end this newsletter. In an email to Lt. Ross, after our meeting on Oct. 13th, I asked about the status of the one citation issued last July 4th? I wanted to know if the issuing officer have to be in court if it was contended? Lt. Ross's response: ***The District Attorney declined file charges.***

Can you believe that?! One citation and the DA gave it away. Now we are going to have to lobby the District Attorney's office! More work ahead of us -- to convince the District Attorney that fireworks are a health and safety issue and that people need him to understand that.

Thanks to all of you for being a part of this difficult and almost unrewarding work. I'm not willing to give up! Let's all keep on with this campaign, doing whatever we can individually and as to go forward in spite of insurmountable odds.

Till next month's newsletter,  
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[Freedom From Fireworks](#)