

July 8, 2026.

Re: Opposition to ordinance amending the Police Code to create penalties for the prohibited discharge of fireworks — File No. [260543](#)

To the Honorable Members of the Board of Supervisors,

On behalf of the San Francisco Public Defender's Office, I am writing to express our concern with Ordinance File No. 260543 [Police Code – Penalties for Prohibited Discharge of Fireworks] and to oppose the proposed penalty structure, which would make a first offense an infraction punishable by a fine of \$125 to \$250 and a second or subsequent offense within five years a misdemeanor punishable by a fine of \$250 to \$750, up to six months in county jail, or both.¹

We understand the concern that illegal fireworks can cause real harm in San Francisco. Fireworks can start fires, cause serious injuries, and can be deeply distressing to combat veterans, autistic residents, seniors living with dementia, young children, and pets, as the 2023–2024 Civil Grand Jury documented in detail.² Our concern is not with the goal of reducing that harm. This ordinance chooses a criminal-enforcement tool that is redundant, and that will not meaningfully reduce fireworks use, while expanding police enforcement power in ways that will fall hardest on the very communities San Francisco has recently taken steps to protect from over-policing.

First, criminal penalties will not stop behavior that is collective, celebratory, and impulsive. Fireworks use in San Francisco spikes around the Fourth of July, New Year's Eve, Lunar New Year, and other celebrations. Its use is social and spontaneous and will not be diminished by threat of a fine. Decades of research on deterrence are clear on this point: it is the *certainty* of being caught, not the *severity* of the punishment, that deters. As the National Institute of Justice summarizes, laws that focus mainly on increasing the severity of punishment are largely ineffective, in part because generally, it is difficult for people know or understand the long list of sanctions attached to the myriad of offenses in our complex local, state, and federal laws.³

Second, this ordinance hands SFPD a new, discretionary enforcement tool that is ripe for selective enforcement at the same time that San Francisco has been working to curb discretionary, racially disparate policing. By the sponsors' own description, the legislation was developed with the Police Department to give officers a citable offense where before only the Fire Department could act administratively.⁴ That is a significant expansion of police enforcement power over a low-level, quality-of-life issue. San Francisco spent years building the pretext-stops policy (DGO 9.07) precisely because SFPD's own data showed officers stopped Black residents at roughly six times the rate of white residents, searched them at more than ten times the rate, and used force at more than twenty-one times the rate.⁵ That reform has begun to reduce these disparities.⁶ But researchers have already found evidence that officers substitute toward other minor, discretionary violations not covered by the reform.⁷ A new fireworks

infraction is precisely the kind of low-level, discretion-heavy charge that can become the next available pretext, undoing hard-won progress.

Third, both the fines and the enforcement will fall disproportionately on low-income residents and communities of color. The Grand Jury's own data show that fireworks-related calls and incidents concentrate in the Mission, Chinatown, Bayview–Hunters Point, and the Tenderloin. These are historically working-class, people of color and immigrant communities, some with cultural and religious traditions that involve fireworks.⁸ A large body of research shows that fines and fees of this kind fall disproportionately on low-income households and on Black and Latino residents, are rarely scaled to a person's ability to pay, and can trap families in cycles of debt and punishment rather than improving public safety. San Francisco has already recognized exactly this harm and built a decade of policy around avoiding it. In 2016, in fact, the City's Treasurer's Office launched the Financial Justice Project, the first effort in the nation embedded in government to assess and reform fines, fees, and financial penalties that disproportionately burden struggling residents.¹⁰ The reforms that followed have made San Francisco a national model for undoing precisely this kind of harm.

Ordinance File No. 260543 directly conflicts with this work. It creates a new, flat fine of \$125 to \$250 for a first offense, rising to as much as \$750 and possible jail time for a second, that is not tied in any way to a person's ability to pay. The impact of this policy will land hardest on the low-income residents and communities of color where enforcement is concentrated, and that risks becoming yet another fine that deepens the very inequities San Francisco has publicly committed to reducing.

Fourth, the ordinance is redundant. California Health and Safety Code already prohibits dangerous fireworks, and SFPD certainly has the discretion to enforce that law. The current local fireworks ordinance additionally prohibits smaller fireworks, which SFPD and this ordinance claim can only be enforced by the fire department. It is unclear what provision of the city code gives the fire department and not the police department authority to enforce Police Code 1290. Municipal Code 100.3 establishes a method by which a charging official can administer citations, and Municipal Code 100.5 establishes the standard amount - \$100 for a first offense, increasing thereafter. h

It stands to reason that the police can enforce the police code. An easier solution would be to clarify that they already have that power, rather than this expanded power that would include misdemeanor charges and jail time for violations of this prohibition of small fireworks.

Fifth, the potential for jail time is disproportionate to the offense. A second violation within five years becomes a misdemeanor carrying up to six months in county jail. Attaching the possibility of incarceration to a noise-and-nuisance-level offense is disproportionate to the conduct and risks precisely the escalation (arrest records, court debt, collateral consequences) that destabilizes a person's life and undermines, rather than improves, community safety. State law already has an enforcement mechanism for dangerous fireworks, so this ordinance could allow jail time for use of small and insubstantial fireworks.

Finally, this ordinance misreads the very Civil Grand Jury report the sponsors reference as one of the reasons to bring this ordinance forward. The report the sponsors cite, *Uncontrolled*

Burn: Dimming the Spark of Illegal Fireworks in San Francisco, did not recommend new criminal penalties. Its findings and recommendations centered on the lack of interdepartmental coordination, inadequate data and metrics, and insufficient public education and community engagement.¹² Its central recommendation was the creation of a working group led by the Department of Emergency Management to coordinate the City's response and educate the public, not the creation of a new police-enforced criminal charge.¹³

Rather than expanding criminal enforcement, San Francisco should pursue the approaches its own Grand Jury recommended and that address the problem at its root: standing up the Department of Emergency Management–led coordination working group; sustained, culturally competent public education campaigns; youth engagement and behavioral-change strategies; and harm-reduction and environmental measures. Keeping enforcement civil and administrative (rather than creating new police-issued criminal exposure) would allow the City to respond to the genuine harms of illegal fireworks without deepening the racial and economic inequities in its criminal legal system.

For these reasons, we urge you to vote **no** on Ordinance File No. 260543.

Respectfully,

A handwritten signature in black ink, appearing to read 'CJG', followed by a long horizontal line extending to the right.

Carolyn Ji Jong Goossen (she/her)
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Sources/Footnotes

[1]: Ordinance File No. 260543, "Police Code – Penalties for Prohibited Discharge of Fireworks," San Francisco Board of Supervisors (introduced May 19, 2026). Verify current committee status and hearing date on the Board's Legislative Research Center: <https://sfbos.org/legislation-introduced>

[2]: San Francisco Civil Grand Jury 2023–2024, *Uncontrolled Burn: Dimming the Spark of Illegal Fireworks in San Francisco*: https://media.api.sf.gov/documents/Fireworks_Report.pdf

[3]: National Institute of Justice, "Five Things About Deterrence":
<https://nij.ojp.gov/topics/articles/five-things-about-deterrence> (full report PDF:
<https://www.ojp.gov/pdffiles1/nij/247350.pdf>)

[4]: "BOS Board of Supervisors - Regular Meeting" San Francisco Government TV (May 19, 2026): https://sanfrancisco.granicus.com/player/clip/52457?view_id=192&redirect=true

[5]: "New Data Shows 'Pretext Stops' Policy Has Reduced Racial Profiling in San Francisco," San Francisco Public Defender (Jan. 14, 2026): <https://sfpublicdefender.org/2026/01/14/new-data-shows-pretext-stops-policy-has-reduced-racial-profiling-in-san-francisco/>

[6]: "SFPD data shows falling racial disparity in traffic stops after new policy," Mission Local (Jan. 16, 2026): <https://missionlocal.org/2026/01/sfpd-data-decline-racial-disparity-pretext-stops/>

[7]: "Data Reveals Effectiveness of Pretext Traffic Stop Bans in San Francisco," Berkeley Public Policy Journal (Feb. 6, 2026): <https://bppj.berkeley.edu/news/data-reveals-effectiveness-pretext-traffic-stop-bans-san-francisco>

[8]: "California, Bay Area cities take action on illegal fireworks," NBC Bay Area (June 29, 2024): <https://www.nbcbayarea.com/news/local/california-bay-area-cities-illegal-fireworks/3580083/>

See also "Illegal fireworks are traumatizing San Francisco's residents," The San Francisco Standard (May 29, 2024) on Bayview–Hunters Point and the Mission as top areas for 911 calls: <https://sfstandard.com/2024/05/29/illegal-fireworks-traumatizing-san-francisco-report/>

[9]: Tax Policy Center, "How do state and local revenues from fines, fees, and forfeitures work?": <https://taxpolicycenter.org/briefing-book/how-do-state-and-local-revenues-fines-fees-and-forfeitures-work>

See also Urban Institute, "How Fines and Fees in the Criminal Legal System Hinder Black Economic Mobility": <https://www.urban.org/research/publication/how-fines-and-fees-criminal-legal-system-hinder-black-economic-mobility>

See also Vera Institute, "Fines and Fees": <https://www.vera.org/ending-mass-incarceration/criminalization-racial-disparities/fines-and-fees>

[10]: Financial Justice Project (launched 2016; the nation's first government-embedded effort to reform fines and fees), now part of the San Francisco Office of the Treasurer & Tax Collector's Economic Justice Center: <https://treasurer.sf.gov/economicjustice>

See also "Eliminating Discriminatory Fines & Fees: Learning From San Francisco," Center for an Urban Future: <https://nycfuture.org/research/eliminating-discriminatory-fines-and-fees>

[11]: On the elimination or reduction of dozens of city-imposed fines and fees — an estimated \$100 million in debt lifted for tens of thousands of residents — and the specific reforms (eliminating fees charged to people in the criminal legal system, ending poverty-based driver's license suspensions, free jail phone calls, clearing library fines, and discounts, waivers, and fair

payment plans for tow, boot, parking, and citation debt), see San Francisco Office of the Treasurer & Tax Collector, Economic Justice Center (formerly the Financial Justice Project), "Accomplishments": <https://treasurer.sf.gov/economicjustice/impact/accomplishments>

[12]: San Francisco Civil Grand Jury 2023–2024, *Uncontrolled Burn: Dimming the Spark of Illegal Fireworks in San Francisco* (full report): https://media.api.sf.gov/documents/Fireworks_Report.pdf

[13]: "San Francisco civil grand jury recommends illegal fireworks task force," Axios San Francisco (May 30, 2024): <https://www.axios.com/local/san-francisco/2024/05/30/sf-civil-grand-jury-illegal-fireworks>

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RE: Opposition to Firework Penalty Ordinance, File No. 260543

To the Public Safety and Neighborhood Services Committee:

Proposed Firework Penalty Ordinance, File No. 260543, purportedly responds to concerns raised in a San Francisco Civil Grand Jury Report by enacting penalties targeting the use of dangerous and disruptive fireworks and facilitating data collection. “General Findings,” [File No. 260543](#) § 1(c)-(f). In fact, it does neither. The practical effect of this Ordinance is instead to introduce punitive consequences for *de minimus* conduct, in a manner that will disproportionately harm San Francisco’s low income and minority neighborhoods. For these reasons, the ACLU of Northern California respectfully urges the Board to vote down the Ordinance as drafted.

1. The Proposed Ordinance Is Not Responsive to the SF Grand Jury Report and Introduces Unnecessary Criminal and Financial Penalties

The Grand Jury Report cited by the proposed Ordinance made preliminary findings regarding fireworks and related public safety hazards, and called for increased data collection to better understand the harms of fireworks and how best to address them. The proposed Ordinance is responsive to neither the preliminary findings nor the call for data collection.

Opposition to Fireworks Penalty Ordinance (File No. 260543)
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By way of background, California law distinguishes between “dangerous” and “safe and sane” fireworks. The former are considered illegal to use or possess under state law, and – as the proposed Ordinance’s findings acknowledge – are already subject to steep fines and potential misdemeanor penalties under Health and Safety Code section 12700. By contrast, “safe and sane” fireworks, which are legal for sale in California and include some handheld sparklers (within size restrictions), fountains, and smoke items, must be examined by the Fire Marshal and determined safe for use by persons “not specially qualified or trained in the use of fireworks.”¹

In its findings, the Grand Jury Report noted:

Some people wrongly assume that a big part of the problem with so many fireworks being launched into the San Francisco sky or causing the window-rattling explosions in neighboring cities such as Pacifica, permitting the sale of the California approved “Safe and Sane” fireworks. . . The San Francisco firework explosions booming around the city are more likely from fireworks that are illegal in California but which are for sale in the neighboring state of Nevada.²

In its call for increased data collection, the Report suggested that the City should implement routine collection and analysis of certain data to better understand the City’s firework problem, including the number of fireworks calls received, serious (i.e., fire or injury) firework-related incidents, illegal fireworks citations issued and fireworks seized. *Id.* at 31-32, 44-45.

The proposed Ordinance addresses neither feature of the Grand Jury Report. In effect, the Ordinance would introduce fines and potential criminal penalties for use of “safe and sane” fireworks. But as noted, the Grand Jury Report preliminarily determined that such fireworks are generally *not* responsible for the noise, shock, and physical injury that frequently attend to unauthorized use of fireworks.³ Nor are additional penalties necessary to data collection⁴—indeed, conspicuously absent from the proposed legislation is any mandate to collect data under any circumstance. Put simply, the only practical effect of this proposed Ordinance is to place a broad swath of San Franciscans at risk of fines or criminal conviction for something as simple as lighting a sparkler, while adding no meaningful consequences to those in place for dangerous use nor offering the City more information about how to prevent such dangers in the first place.

¹ Cal. Health & Safety Code § 12505; [State Fire Marshal SafeandSane Registered Fireworks](#).

² Report of Civil Grand Jury, [Uncontrolled Burn: Dimming the Spark of Illegal Fireworks in San Francisco](#) (May 28, 2024) at 22.

³ To the extent “safe and sane” fireworks might be used in an especially dangerous manner, reckless or malicious use of *any* incendiary device to start a fire or cause physical injury is already subject to criminal penalties under existing law. See, e.g., Cal. Pen. Code § 452 [unlawful causing of fire]; Cal. Pen. Code § 18750 [use of explosive device causing injury].

⁴ San Francisco’s public 911 incident database from 7/5-7/6 features entries with, for example, “FW” or “Fireworks” noted in the “comment” field for “nuisance” calls. Plainly, data collection is possible without imposition of criminal penalties.

2. The Proposed Ordinance Is Likely to Have a Disproportionate Effect in San Francisco's Low Income and Minority Communities

In addition to bearing little relationship to its stated rationale and criminalizing the most *de minimus* form of firework possession, the proposed Ordinance is likely to have a disproportionately harmful effect in the City's low-income and predominantly Latine, Black and immigrant communities. The Civil Grand Jury Report indicated that fireworks-related noise complaints and other 911 calls are typically concentrated in a few neighborhoods within San Francisco: Bayview Hunters Point, the Mission, and the Tenderloin.⁵ These neighborhoods are also home to a significant share of the City's minority and low-income residents:⁶

- Bayview Hunters Point: 18% poverty rate; 24% Hispanic; 40% Asian; 21% Black
- Mission: 12% poverty rate; 34% Hispanic; 16% Asian; 5% Black
- Tenderloin: 28% poverty rate; 27% Hispanic; 30% Asian; 9% Black

The harmful consequences of the proposed Ordinance are thus two-fold; first, it would impose a more burdensome penalty for low-income residents, like many in the above neighborhoods, by requiring a fine for all violations. San Francisco is already alarmingly stratified by wealth – incomes in the 90th percentile are nearly 29x those of 10th percentile households⁷ – and fines of several hundred dollars are highly burdensome to low-income residents, while posing little disincentive to those with median and higher incomes.

Second, by creating the prospect of additional criminal enforcement, this Ordinance is likely to expose some of the City's most vulnerable residents, particularly in the Bayview, Mission, and Tenderloin neighborhoods, to unnecessary arrest and contact with the criminal legal system. The public safety rationale for expanding these opportunities for arrest and legal system contact is unclear, particularly given existing penalties for more serious fireworks offences described above.

3. The City Has Better Options

To be clear, the City is not powerless to respond to the Grand Jury Report or to take steps to enforce a local prohibition on "safe and sane" fireworks. The City could, for example, mandate data collection, prioritize enforcement against sellers of "dangerous" fireworks, and employ less punitive measures in regards to "safe and sane" fireworks, including confiscation, public education, and amnesty efforts. But whether or not the City takes such worthwhile measures to address its fireworks problems, it should not enact legislation that both fails to

⁵ Report of Civil Grand Jury, *supra* n.2, at 3.

⁶ These figures are from the *SF Chronicle's* neighborhood analysis of Census data. Sriharsha Devulapalli, [New maps show detailed demographic data for every SF neighborhood](#) (Jan. 29, 2026).

⁷ Using adjusted household income for San Francisco County, available at [Income - Vital Signs - SF Bay Area](#) (as of July 8, 2026).

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address the real issues while creating new and unrelated ones. The proposed Ordinance would do just that, and the Board should reject it.

Respectfully,



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