

ORDINANCE NO. 2022-04-05-1601**AN UNCODIFIED ORDINANCE OF THE CITY OF STOCKTON APPROVING A POLICY REGARDING THE ACQUISITION AND USE OF MILITARY EQUIPMENT ADOPTED PURSUANT TO SECTION 7070, et seq., OF THE CALIFORNIA GOVERNMENT CODE (AB 481)****Findings**

The California Legislature has found that the acquisition of military equipment (as defined) and its deployment in local communities adversely impacts the public's safety and welfare, including increased risk of civilian deaths, significant risks to civil rights, civil liberties, and physical and psychological well-being, and the potential to incur significant financial costs.

The California Legislature has also found that military equipment is more frequently deployed in low-income Black and Brown communities, meaning the risks and impacts of police militarization are experienced most acutely in marginalized communities.

The California Legislature has further found that the public has a right to know about any funding, acquisition, or use of military equipment by local government officials, as well as a right to participate in any government agency's decision to fund, acquire, or use such equipment; that decisions regarding whether and how military equipment is funded, acquired, or used should give strong consideration to the public's welfare, safety, civil rights, and civil liberties, and should be based on meaningful public input; that legally enforceable safeguards, including transparency, oversight, and accountability measures, must be in place to protect the public's welfare, safety, civil rights, and civil liberties before military equipment is funded, acquired, or used; and that a lack of a public forum to discuss the acquisition of military equipment jeopardizes the relationship police have with the community, which can be undermined when law enforcement is seen as an occupying force rather than a public safety service.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

SECTION I. FINDINGS MADE PURSUANT TO GOVERNMENT CODE SECTION 7071(d).

The City Council of the City of Stockton does hereby find:

The military equipment used by the Stockton Police Department is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.

The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.

Purchasing this equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

SECTION II. APPROVAL OF GENERAL ORDER NO. F-02a.

Stockton Police Department General Order No. F-02a dated February 24, 2022 (attached hereto as Exhibit 1) is hereby approved.

SECTION III. ANNUAL REVIEW.

Stockton Police Department General Order No. F-02a shall be reviewed annually by this Council pursuant to Government Code section 7071(e) and the City Manager shall provide an annual military equipment report to this Council pursuant to Government Code section 7072.

SECTION IV. SEVERABILITY.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the acts which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SECTION V. EFFECTIVE DATE.

This ordinance shall take effect and be in full force and effect thirty (30) days after its passage.

ADOPTED: 4/5/22

EFFECTIVE: 5/5/22

ATTEST:



ELIZA R. GARZA, CMC
City Clerk of the City of Stockton

KEVIN J. LINCOLN II
Mayor of the City of Stockton