

ORDINANCE NO. 2024-05-21-1601

AN UNCODIFIED ORDINANCE OF THE CITY OF STOCKTON APPROVING A POLICY REGARDING THE ACQUISITION AND USE OF MILITARY EQUIPMENT ADOPTED PURSUANT TO SECTION 770, et seq., OF THE CALIFORNIA GOVERNMENT CODE (AB481)

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.

The City Council of the City of Stockton previously approved the Stockton Police Department's military equipment policy General Order F-02a, titled "Military Equipment Usage," by uncoded Ordinance No. 2022-04-05-1601.

As part of the Stockton Police Department's review of general orders and transition to updated policies with Lexipol, General Order F-02a has transitioned to Policy 706, titled "Military Equipment," effective April 11, 2024. The updated policy includes procedural changes to the previous General Order F-02a. As a result, a new ordinance approving the updated military equipment policy is required. Ordinance 2022-04-05-1601 is no longer current given these changes.

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

SECTION I. RESCINDING ORDINANCE 2022-04-05-1601.

City Council uncoded Ordinance No. 2022-04-05-1601 approving General Order F-02a and requiring annual review of General Order F-02a is hereby rescinded.

SECTION II. 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 III. APPROVAL OF MILITARY EQUIPMENT POLICY.

Stockton Police Department Policy 706, titled "Military Equipment," effective April 11, 2024 (attached hereto as Attachment A) is hereby approved.

SECTION IV. ANNUAL REVIEW.

Stockton Police Department Policy 706, titled "Military Equipment," 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 V. 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 VI. EFFECTIVE DATE.

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

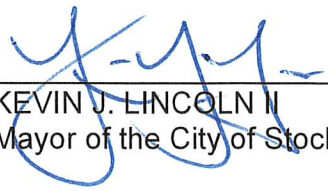
ADOPTED: 5/21/2024

EFFECTIVE: 6/20/2024

ATTEST:



Katherine Roland, CMC, CPMC
Interim City Clerk
City of Stockton



KEVIN J. LINCOLN II
Mayor of the City of Stockton

Military Equipment

Effective Date:	April 11, 2024
Revised Date:	
Issuing Authority: Chief Stanley McFadden	

706.1 PURPOSE AND SCOPE

State

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

706.1.1 DEFINITIONS

State

Definitions related to this policy include (Government Code § 7070):

Military equipment – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.

Military Equipment

- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by the City Council or a state agency to require additional oversight.

706.2 POLICY

State

It is the policy of the Stockton Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

706.3 MILITARY EQUIPMENT COORDINATOR

Best Practice

The Chief of Police should designate the Research and Development Manager as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the City Council.
- (b) Conducting an inventory of all military equipment at least annually.
- (c) Collaborating with any allied agency that may use military equipment within the jurisdiction of Stockton Police Department (Government Code § 7071).
- (d) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 1. Publicizing the details of the meeting.
 2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (e) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).
- (f) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

706.4 MILITARY EQUIPMENT REPORTING

Agency Content

The Chief of Police should designate the Training Section Manager as the liaison to the City Council.

- (a) Acting as liaison to the City Council for matters related to the requirements of this policy.

Military Equipment

1. A list of each request and authorized budget item will be maintained within Research and Development.

706.5 MILITARY EQUIPMENT INVENTORY

State **MODIFIED**

The [attached annual report](#) includes a list of qualifying equipment for the Department.

706.6 APPROVAL

State **MODIFIED**

The Chief of Police or the authorized designee shall obtain approval from the City Council by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the City Council and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the City Council prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the City Council.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

706.7 COORDINATION WITH OTHER JURISDICTIONS

State

Military equipment should not be used by any other law enforcement agency or member in this jurisdiction unless the military equipment is approved for use in accordance with this policy.

706.8 ANNUAL REPORT

State **MODIFIED**

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the City Council for each type of military equipment

Military Equipment

approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

706.9 COMMUNITY ENGAGEMENT

State

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

706.10 ACQUISITION OF MILITARY EQUIPMENT

Agency Content

706.10.1 PROGRAM MANAGER RESPONSIBILITIES

Agency Content

Program Managers who utilize or wish to acquire military equipment shall:

- (a) Confirm the item requested is authorized via the department's current Assembly Bill 481 Annual Report prior to acquisition.
- (b) Complete the Military Equipment Acquisition Request Form and submit it to Research and Development via email. The form can be found in the Police SharePoint folder.
- (c) Update Research and Development on any budget changes, which may prevent the acquisition of an authorized item.
- (d) Annually provide the Military Equipment Coordinator with a list of planned acquisitions and the related budgets for the following year.
- (e) Ensure the use of authorized equipment is tracked including:
 - 1. Number of deployments of each category of military equipment.
 - 2. General nature of those deployments.
 - 3. Hours of in-house training on each category of military equipment.
 - 4. Names of outside schools that train the use or administration of military equipment, tuition costs, and number of hours.
 - 5. The maintenance costs associated with possessed military equipment.

706.10.2 MILITARY EQUIPMENT COORDINATOR

Agency Content

The Military Equipment Coordinator or designee will review the applicable Program Manager's request and respond within 10 working days.

Military Equipment

706.10.3 DEPARTMENTAL SCREENERS

Agency Content

Screeners are responsible for tracking the availability of and acquiring authorized military equipment from the Law Enforcement Support Program (LESO). In order to requisition equipment, screeners shall:

- (a) Obtain authorization from the Military Equipment Coordinator or designee before submitting a request via Reutilization, Transfer, and Donation (RTD) for the following items:
 - 1. Vehicles
 - 2. Vessels
 - 3. Aircraft
 - 4. Weapons
 - 5. Weaponized equipment
- (b) Be familiar with requests and specifications of each item, ensuring the item for requisition meets the specifications submitted by the requesting Program Manager.
- (c) Verify the budget for each item provided by the requesting Program Manager.
- (d) Obtain the fiscal impact for the acquisition of each item which may include transportation, delivery, or repairs.
- (e) Contact the Military Equipment Coordinator or designee if the fiscal impact for the item supersedes the budgeted amount.
 - 1. The Military Equipment Coordinator or designee will contact the affected Program Manager to verify if a budget increase is authorized.
- (f) Send an email message to the Military Equipment Coordinator within 24 hours of submitting the requisition via RTD or at a Defense Reutilization Marketing Office (DRMO).

The Military Equipment Coordinator or designee will monitor the acquisition and ensure that all requirements are met.

706.11 AUDIT OF MILITARY EQUIPMENT

Agency Content

In addition to the annual audit performed by the Military Equipment Coordinator, Division Commanders will ensure that the use of military equipment by their assigned personnel is audited to ensure compliance.

Any misuse of equipment discovered in this process shall be addressed by the responsible Division Commander or designee.

Attachments

481 Final report 2024.pdf