

**TOWN OF EATONVILLE,
FLORIDA
EXCESSIVE FORCE POLICY**

**A RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF EATONVILLE, FLORIDA,
ADOPTING A POLICY PROTECTING
INDIVIDUALS ENGAGED IN NONVIOLENT
CIVIL RIGHTS DEMONSTRATIONS.**

WHEREAS, the Congress of the United States has passed Section 104(1) to the Title I of the Housing and Community Development Act stating that no CDBG funds may be obligated or expended by any unit of general local government that fails to adopt and enforce a policy of prohibiting the use of excessive force by local law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; or fails to adopt and enforce a policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of nonviolent civil rights demonstrations within its jurisdiction;

WHEREAS, the Town Council of the Town of Eatonville desires to adopt a policy regarding excessive force under the Town's Community Development Block Grants (CDBG);

WHEREAS, the Town Council of the Town of Eatonville recognizes the need to adopt a policy for excessive force under the Community Development Block Grant to ensure compliance and adherence to requirements and standards set for by the United State Department of Housing and Urban Development (HUD), the Florida Department of Commerce (FloridaCommerce), Federal Regulations, State Statutes, and Office of Management and Budget;

WHEREAS, Excessive force is determined on the 'objective reasonableness' of the force based on the situation. Nonviolent civil rights demonstrations use peaceful tactics to achieve social change and may include distribution of information, picketing, marches, and vigils;

WHEREAS, All prior policies and/or directives or parts of policies and/or directives that are contrary to the provisions of this policy are hereby repealed to give this policy full force and effect. If any section, clause, sentence, provision, or any part of this policy is held to be invalid or unconstitutional, the remaining sections, clauses, sentences, or parts not included therein, will remain in full force;

WHEREAS, the Town of Eatonville has received a Community Development Block Grant and is required to comply with the Title I of the Housing and Community Development Act; and

WHEREAS, the failure to enforce such policies may cause the Town of Eatonville to lose its grant or eligibility for future federal grants;

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF EATONVILLE, FLORIDA TO MAKE POLICY THE FOLLOWING:

- SECTION 1 It is the POLICY of the TOWN that excessive force by local law enforcement agencies shall not be used against individuals engaged in lawful and nonviolent civil rights demonstrations within the Town boundaries.
- SECTION 2 It is the POLICY of the TOWN to require law enforcement agencies to use the least amount of force necessary to achieve a lawful objective, to intervene when another law enforcement officer uses excessive force, that allegations of excessive force will be investigated, and that law enforcement officers who use excessive force will be disciplined.
- SECTION 3 It is the POLICY of the TOWN to enforce applicable state and local laws against the physical barring of an entrance to or exit from a facility or location which is the subject of nonviolent civil rights demonstrations within its jurisdiction.
- SECTION 4 The Town Council hereby directs staff to make this POLICY available to the public, to post this POLICY on the Town’s website, and to enforce this POLICY.
- SECTION 5 The Town Council hereby designates the Eatonville Chief of Police as senior official responsible for implementation of this POLICY;
- SECTION 6 The Town Council hereby directs coordination with the Town of Eatonville Chief of Police to ensure the police department implements and adheres to all components of these policies, amends applicable police department procedures and training to align with the implementation of this Resolution adopting this Excessive Force Policy.

PASSED BY THE TOWN COUNCIL, TOWN OF EATONVILLE, FLORIDA

Angie Gardner, Mayor
Town Council for the
Town of Eatonville, Florida

Date

ATTESTED BY:

Veronica King, Town Clerk
Town of Eatonville, Florida

Date