



RUSK COUNTY

RESOLUTION # 66-24

POLICY TO PROHIBIT THE USE OF EXCESSIVE FORCE AND TO ENFORCE APPLICABLE STATE AND LOCAL LAWS PROHIBITING PHYSICALLY BARRING ENTRANCES/EXITS FOR NON-VIOLENT CIVIL RIGHTS DEMONSTRATIONS

Table with 4 columns: ROLL CALL Board Members, AYE (Yes), NAY (No), Abstain/Excused. Lists 19 board members and a total of 18 AYE, 0 NAY, and 1 Abstain/Excused.

TO THE RUSK COUNTY BOARD OF SUPERVISORS

WHEREAS, Section 104(L)(1) of Title I of the Housing and Community Development Act of 1974 as amended (42 U.S.C. 69 §5304) prohibits the State from expending or obligating any Community Development Block Grant funds to any unit of general local government that does not have or adopt a policy prohibiting the use of excessive force by local law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and a policy of enforcing State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within its jurisdiction; and,

WHEREAS, it is in the interest of Rusk County to pursue Community Development Block Grant Funds and to adopt policy that complies with Section 104(L)(1) of Title I of the Housing and Community Development Act of 1974 as amended (42 U.S.C. 69 §5304).

NOW, THEREFORE, BE IT RESOLVED, by the Rusk County Board Chair and Rusk County:

- 1. It is POLICY of Rusk County to prohibit the use of excessive force by law enforcement agencies within the County's jurisdiction against any individuals engaged in nonviolent civil rights demonstrations.
2. It is POLICY of rusk County to enforce applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within the County's jurisdiction.
3. The officials and employees of Rusk County shall assist in the orderly prevention of all excessive force within the County by implementing the authority and enforcement procedures set forth in Title I of the Housing and Community Development Act of 1974.
4. The Rusk County Board of Supervisors recommends the Rusk County Sheriff implement this Resolution by amending applicable Sheriff Department procedures.

BOARD ACTION

Vote Required: Majority Vote of a Quorum

Motion to Approve Adopted [X]
1st Willingham Defeated [ ]
2nd Gudis
No: 0 Yes: 18 Exc: 1

Reviewed by:

\_\_\_\_\_, Corp. Counsel

Reviewed by:

Jamie Wille, Finance Director

FISCAL IMPACT: (Note if there is any fiscal impact or not)

\$0

Certification:

I, Connie Meyer, Clerk of Rusk County, hereby certify that the above is a true and correct copy of a resolution that was adopted on the 17 day of December, 2024 by the Rusk County Board of Supervisors.

Connie Meyer
County Clerk, Rusk County

SUBMITTED BY:

Rusk County Land Info/Surveyor, Zoning Committee

Dave Willingham, Chairman

Kurt Gorsegner, Vice Chairman

John Moore

Mike Russell

Brian Coggins



# Rusk County Sheriff's Office

Rusk County SO Policy Manual

## *Use of Force*

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The Rusk County Sheriff's Office recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting deputies with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

The Rusk County Sheriff's Office prohibits the use of excessive force against any individuals engaged in nonviolent civil rights demonstrations and will enforce state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstrations within the counties jurisdiction if the demonstrators are lawfully there.

### 300.2.1 DUTY TO INTERCEDE AND REPORT

Any deputy present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force.

Any deputy who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances should report these observations to a supervisor as soon as feasible.

### 300.2.2 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each deputy should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

## 300.3 USE OF FORCE

Deputies shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable deputy on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that deputies are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation a deputy might encounter, deputies are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which deputies reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by this office. Deputies may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.