



**To:** Parks and Recreation Board

**Date:** April 25, 2019

**From:** Inger Erickson, Director

**Subject:** PARKS AND RECREATION DEPARTMENT BEHAVIOR POLICY UPDATE  
– TRESPASS POLICY

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This report provides information to the Parks and Recreation Board (Board) regarding questions raised about the enforcement of the Parks and Recreation Department's draft behavior policy (code of conduct) and trespass policy.

## BACKGROUND

The Parks and Recreation Department has been working to develop a behavior policy that will promote conduct and behavior that allow everyone to enjoy clean, safe and accessible parks, facilities and programs. Although state laws, City ordinances, and existing park rules address certain illegal or prohibited activities, the behavior policy will provide clear expectations of acceptable behavior in the following areas: flatland parks; desert and mountain parks and preserves; and park facilities.

In February 2019, after holding an initial round of public meetings to engage the community about challenging behavior in parks and proposed solutions, the Parks and Recreation Department wrote a preliminary draft behavior policy. Throughout the month of March 2019, the Parks and Recreation Department held a public comment period, including a series of eight additional community meetings across the City, to receive feedback on the draft behavior policy. Community members were also able to submit feedback via the City's web site, email and by calling the Parks and Recreation Department with their input.

Now that the community meetings have concluded, staff is continuing to accept feedback, but is also now working diligently to review the draft behavior policy and incorporate the feedback received from the community during the public comment period. This includes working with the City's Law Department to identify options to address the behaviors and proposed solutions brought forward by the community in a manner that is legal, enforceable and, most importantly, fair and equitable. Ultimately, staff will present a revised draft of the behavior policy to the Board for final approval.

Following Board approval of the behavior policy, internal staff training will be conducted. A public awareness campaign will also be rolled out to educate the public about the new behavior policy. This will include signage, marketing materials, a web presence and social media outreach with the "clean, safe and accessible" branding.

## DISCUSSION

At the March 2019 Board meeting, the Board asked questions about the trespass policy relative to the draft behavior policy and requested more information regarding enforcement of the behavior policy; specifically, how the trespass policy will be implemented and what penalties are associated with the crime of trespass. The Board expressed concern about the criminalization of minor offenses contained in the behavior policy. The Board also requested that staff consider the feasibility of rolling the behavior policy out on a pilot basis at select parks around the City, rather than all parks and park facilities citywide.

### Education vs. Enforcement

Staff understands that the Board, as well as members of the community, are extremely interested in how the behavior policy will be enforced once implemented. The Parks and Recreation Department's approach with the behavior policy will be to lead with education and to raise awareness about the behavior policy. This is also in line with the City's philosophy of leading with services.

The draft behavior policy contains a process in which repeated violations of the behavior policy can result in a progressive discipline-type process that begins with education and verbal warnings. This may ultimately lead to the issuance of a trespass notice, but will not necessarily end in that result. Again, the Parks and Recreation Department's approach is to lead with education and awareness about the behavior policy.

Many situations that Parks and Recreation staff encounter on a daily basis in the course of performing their job will be able to be resolved by making an educational contact and providing information about the behavior policy. This is City staff's approach today, with existing park rules. Importantly, it will not be just park rangers making these educational contacts, but park maintenance staff and recreation staff.

Also, it is important to note that contacts made with juveniles are handled differently than those of adults, and depending on the level of contact, require the notification/involvement of the juvenile's parent or legal guardian.

### Trespass Policy

The Parks and Recreation Department recognizes that consistency of policies, procedures and forms between departments, and having a common process, is essential to the behavior policy. In developing the draft behavior policy for parks and park facilities, staff worked closely with the Law Department and other City departments to develop a consistent process by which trespass notices could be issued and a method by which recipients of trespass notices could appeal their notice.

The trespass policy is an important component of the behavior policy for chronic and more serious offenses, such as harassment or physical, sexual or verbal abuse of park patrons or staff. In the case of serious offenses such as these, the behavior could result in an immediate trespass period of 60 days or more. The draft behavior policy and trespass policy are written in such a way that Parks and Recreation staff, including park

rangers, will be able to apply professional judgment and treat situations on a case-by-case basis, within a consistent framework.

In addition to providing opportunities for education about the behavior expectations of park patrons, one of the benefits of the behavior policy will be a documented, standardized process for dealing with trespass notices consistently, not just across the park system but across the City. The Library Department and Human Services Department are currently developing their own codes of conduct for their facilities.

Another benefit of the behavior policy will be the ability of recipients of trespass notices to appeal their suspension; the option to appeal does not exist currently. Importantly, the person responsible for adjudicating appeals will be at a sufficiently high level in the city organization: Parks and Recreation Director or his/her designee.

Criminal trespass is a class 3 misdemeanor. Punishment may range from a minimum of no fine, jail or probation; up to a maximum of \$500 fine, one year of probation and 30 days in jail. Juveniles would be processed through the juvenile justice system where necessary.

#### Pilot at Designated Parks

The Parks and Department has consulted with the City's Law Department regarding the recommendation of piloting the behavior policy at designated parks, rather than rolling it out citywide. In discussions with city attorneys, it was agreed that this would not be in the best interests of the City or the community, because it is the intent of the behavior policy to have consistency in education efforts and processes across the board. This allows the community to know what the behavior expectations are, regardless of which park they visit, thereby preventing confusion about what behaviors or conduct are acceptable at which parks.

#### RECOMMENDATION

This report is for information and discussion.

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