



**To:** Parks and Recreation Board

**Date:** October 24, 2019

**From:** Inger Erickson, Director

**Subject:** PARKS AND RECREATION DEPARTMENT BEHAVIOR POLICY

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This report requests Parks and Recreation Board approval of the Parks and Recreation Department's behavior policy.

### BACKGROUND

For more than a year, the Parks and Recreation Department has been working in partnership with the Law Department, Prosecutor's Office, Police Department, community members and other stakeholder City departments to develop a behavior policy that will promote behavior that allows everyone to enjoy clean, safe, accessible and inviting 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 flatland parks, desert and mountain parks and preserves and other park facilities.

In January 2019, the Parks and Recreation Department held an initial round of five public meetings across the City to solicit public input on challenging behavior the community experiences in parks and their proposed solutions. After receiving the community's feedback, the department wrote a draft behavior policy and presented it to the Parks and Recreation Board (Board) at its February 2019 meeting.

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 first draft of the behavior policy. Community members were also able to submit their input via the City's web site, email and phone. After engaging the community through the March community meetings, and after conducting research into peer cities in the Valley, staff rebranded the behavior policy, which originally was referred to as the "code of conduct."

At the March 2019 Board meeting, the Board asked questions about the trespass policy, a component within 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.

At the April 2019 Board meeting, the Parks and Recreation Department and City Prosecutor's Office presented information regarding the trespass policy component and answered questions about the penalties for the crime of trespass. The Board provided feedback regarding the enforcement of the behavior policy and concern for the potential impact to juvenile guests in parks.

## DISCUSSION

After receiving the community's feedback through the series of 13 public meetings, and input from Board members at the March and April 2019 Board meetings, staff worked diligently to incorporate all of the feedback into the draft behavior policy. Staff worked closely with partner departments, including the City's Law Department and Prosecutor's Office, 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. The result of these changes is the attached revised behavior policy (**Attachment A**).

### **Summary of Changes to Draft Behavior Policy:**

- Based on the Board's feedback, staff incorporated a parent/guardian notification letter for juveniles into the behavior policy (**Attachment B**). The Parks and Recreation Department recognizes that parent/guardian intervention is critical to resolving potential situations involving juveniles, and the intent behind the notification letter is to inform families that their child has been contacted about behavior that violates the behavior policy. The notification letter will provide information about the potential repercussions of ongoing behavior that violates the behavior policy and information about how to obtain a copy of the behavior policy. There will also be a contact person listed in the event the parent/guardian has any questions or wishes to discuss the matter further with the Parks and Recreation Department. The notification letter will be mailed to the parent/guardian.

The parent/guardian notification letter is a new step in the process; the letter will be sent after educating juvenile guests in parks and before a trespass notice is issued. This will be an additional step in the education process when verbal education has not been successful. For the purposes of the parent/guardian notification letter, a juvenile is defined as anyone under the age of 18.

- In response to Board concerns about the potential for misapplication of the behavior policy, staff has added language requiring the issuance of trespass notices be approved by park management. In situations where verbal warnings and education have not been successful, field staff will have the ability to order a park guest to leave the park for the remainder of the day, pursuant to Phoenix City Code 24-54. A report must be filled out and submitted to the employee's supervisor detailing the reason. The next step in the process, the issuance of a trespass notice, is intended to be a "last resort" for repeat offenses and chronic behavior, when verbal warnings, education and an order to leave the park for a day have not been effective.
- Additionally, language was added to the behavior policy stating the Parks and Recreation Department will provide updates to the Board on trespass notices issued. The intent is to give the Board a mechanism to receive regular updates on the number of and the types of behavior for which trespass notices are being issued, to ensure community accountability is built into the behavior policy.
- Furthermore, language was added to the policy statement in the behavior policy, which codifies the Parks and Recreation Department's commitment to leading with education and raising awareness to achieve compliance with the behavior

policy. This is also in line with the City's philosophy of leading with services. In the event of repeated or serious offenses, a park guest can be issued a trespass notice, which will be appealable. This is a tool for staff to address chronic and/or serious behavior when education has not been successful. Staff will continue to lead with education as the first step.

### Summary of Community Outreach:

As mentioned above, in January 2019, the Parks and Recreation Department conducted a series of four community meetings at locations across the City:

Date	Time	Location
Tues., January 15	6 to 8 p.m.	South Mountain Community Center
Weds., January 16	6 to 8 p.m.	Deer Valley Community Center
Thurs., January 17	6 to 8 p.m.	Steele Indian School Park Memorial Hall
Tues., January 22	6 to 8 p.m.	Maryvale Community Center

At the January 2019 community meetings, staff met with residents, listened to their concerns and collected their feedback. The Human Services Director, Neighborhood Services Department, Police Department, Maricopa County Environmental Services, Healthy Giving Council and various other agencies and stakeholders were present. The dialogue at these meetings was focused around challenging behaviors that community members witness in parks and proposed solutions. Interpreters were available at each of the meetings to assist Spanish-speaking community members.

Throughout the month of March 2019, the Parks and Recreation Department held a public comment period to receive feedback on the draft behavior policy that was presented to the Board at its February 2019 meeting. This included a series of eight additional community meetings at various locations across the City:

Date	Time	Location
Mon., March 4	6 to 8 p.m.	Devonshire Senior Center
Wed., March 6	6 to 8 p.m.	Desert West Community Center
Mon., March 11	6 to 8 p.m.	Sunnyslope Community Center
Weds., March 13	6 to 8 p.m.	Burton Barr Central Library
Thurs., March 14	6 to 8 p.m.	Washington Activity Center
Tues., March 19	6 to 8 p.m.	South Mountain Community Center
Wed., March 20	6 to 8 p.m.	Eastlake Community Center
Thurs., March 21	6 to 8 p.m.	Paradise Valley Community Center

At these community meetings, the community reviewed the draft behavior policy, asked questions and provided comments and suggestions.

Staff promoted the January and March 2019 community meetings in the following ways:

- Posted flyers at City facilities, including community and recreation centers and division offices;
- Sent emails to registered neighborhood associations, block watches and other community groups registered with the Neighborhood Services Department (approximately 1,400 emails);
- Provided flyers and information to the Mayor and Council for sharing through their channels;

- Emailed community members who attended previous community meetings or expressed interest in the behavior policy;
- Tabled and provided presentations at neighborhood meetings, as requested, including the City Council Office's "Take Back Your Neighborhood Day";
- Placed information on the Parks and Recreation Department's web site and social media channels, including Facebook and Twitter;
- Worked with the Office of Youth and Education to send information to school districts in the community.

In addition to the public meetings, the community was able to direct questions or comments about the behavior policy to staff via email, phone and letter throughout the process.

### **Next Steps:**

Subject to approval by the Board, and prior to implementation of the behavior policy, the Parks and Recreation Department's next steps will be to:

- Develop an implementation timeline, including a rollout and education period (**Attachment C**);
- Design a robust public awareness campaign and education materials, including printed materials, online presence, physical signage and a digital/print media strategy;
- Create a training plan for staff at all levels of the department, from field staff to supervisors;
- Finalize forms and continue discussions with our partner departments to ensure that technology systems integrate;
- Study the issue of ramada reservations and fees further, which members of the community expressed interest in during the public input process.

The public education and staff training components will be critical to the success of the behavior policy. Many situations that Parks and Recreation staff encounter on a daily basis in the course of performing their job will be resolved by making an educational contact about the behavior policy. And, it will not be just park rangers making these educational contacts, but park maintenance and recreation staff in the field. Therefore, it is essential that staff be trained on the behavior policy and how to lead with education. The training must reach all levels of the department and include ongoing education for new staff. Staff will research a variety of training topics, such as de-escalation, racial/cultural sensitivity, implicit bias and mental health.

### **RECOMMENDATION**

This report requests Parks and Recreation Board approval of the Parks and Recreation Department's behavior policy.

Prepared by: James Orloski, Acting Deputy Director

Approved by: Tracee Crocket, Assistant Director

## ATTACHMENT A

### Phoenix Parks and Recreation Department Behavior Policy

*Helping us maintain clean, safe, accessible and inviting parks and programs*

#### **Policy Statement:**

Phoenix Parks and Recreation provides residents more than 41,000 acres of desert parks and mountain preserves containing more than 200 miles of trails; 185 spacious city parks spanning approximately 5,000 acres; 32 community and recreation centers; classes and sports programs for all ages to learn, stay active and have fun; 8 golf courses; and 29 pools where thousands cool off and learn to swim each summer. The intent of Phoenix Parks and Recreation's Behavior Policy is to promote behavior that allows everyone to enjoy clean, safe, accessible and inviting parks and programs.

While the parks are open to all, no one has the right to interfere with another park guest's use and enjoyment of City parks and facilities. Behavior, including those activities listed below, is unacceptable when it violates the law, interferes with the rights of others, endangers or injures oneself or others or when it results in damage to park property, buildings or equipment. Kindness and respect towards fellow park guests and City staff members is appreciated and expected at all times.

It is Phoenix Parks and Recreation's policy to lead with education and raising awareness to achieve compliance with the Behavior Policy. In cases where education does not work, and to address chronic and/or serious behavior, we reserve the right to take further action, up to and including issuing a trespass notice as described below.

Before a trespass notice is issued by a City staff member, park management is consulted. Park guests are provided with a copy of the trespass notice and information on how to submit an appeal. Appeals are reviewed by the Parks and Recreation Director, or designee, to ensure robust oversight. Regular updates are provided to the Parks and Recreation Board to ensure accountability to the community. Before a trespass notice is issued to a juvenile, a notification is sent to the juvenile's parent/guardian.

Phoenix Parks and Recreation's Behavior Policy was developed jointly with the community we serve and is intended to benefit the public and protect the rights of individuals, and focuses on the actual behavior of a person. Phoenix Parks and Recreation reserves the right to define and identify disruptive behavior and/or actions that interfere with the positive and safe atmosphere in City parks and facilities.

#### **Behavior Policy:**

For the purposes of this policy, a facility is a City-owned building operated by the City or by an organization authorized to operate the building on the City's behalf.

**The following is not permitted in any Phoenix Parks and Recreation desert park, mountain preserve, park or facility (collectively "Park or Parks"):**

- Abusing or vandalizing a Park or its amenities in any way
- Entering or using a Park or its amenities at any time other than during the posted hours of operation

## ATTACHMENT A

- Using, possessing or selling illegal drugs or possessing drug paraphernalia
- Possessing or consuming alcohol without obtaining proper approval
- Possessing weapons inside any City facility, as posted
- Aggressive intimidation or harassment of patrons or City staff members including physical, sexual or verbal abuse
- Obstructing other park guests' use of Parks and Park amenities, or maintenance of the Park and Park amenities by City staff members
- Using amenities, including picnic tables and playgrounds, outside of their intended or approved purpose
- Bathing, sleeping, storing personal belongings or doing laundry in restrooms or facilities
- Storing or leaving personal belongings unattended within any Park
- Use of shopping carts as posted, or other wheeled devices when they create obstructions, unnecessary clutter or damage to landscaping
- Charging for services, including exercise activities, guided hikes, sports and other special interest classes and activities, without obtaining proper approval
- Assembling groups of 50 people or more without obtaining proper approval
- Use of one or more ramadas in a Park for more than four hours per day, for two consecutive days, without obtaining proper approval
- Use of amplified sound without obtaining proper approval
- Smoking/vaping within 20 feet of a building entrance, playground, ramada or patio, and within restrooms and other enclosed public spaces
- Animals inside facilities, except for service animals, which are permitted
- Entering facilities without appropriate attire, as posted
- Unlawful conduct that violates the Arizona Revised Statutes, Phoenix City Code, or posted Park Rules or Behavior Policy
- Activities that may endanger self, others, wildlife or Park property

**In addition to the rules listed above, the following is not permitted in any desert park or mountain preserve:**

- Endangering children or vulnerable adults on difficult trails or in adverse weather conditions
- Endangering dogs on difficult trails or in adverse weather conditions, such as temperatures over 100 degrees
- Playing personal music via speakers; use of headphones is encouraged, as a courtesy to fellow hikers, on trails, at ramadas and in parking lots
- Disregarding trail hierarchy; hikers and bicyclists yield to horses, bicyclists yield to hikers
- Disregarding trail etiquette; downhill trail traffic flow yields to uphill trail traffic
- Smoking/vaping
- Defacing natural areas with chalk, marker, powder materials or other non-natural products
- Moving rocks or other native material along a trail or altering the tread in such a way as to facilitate or encourage illegal trail use or to cause personal harm
- Riding electric bicycles or other types of motorized vehicles on trails or off established park roads
- Operating a metal detector and removing any found items
- Placing of geocaches in a location within a park or preserve that does not fall within management guidelines for that area – all geocaches must be reviewed and approved by park management or they will be removed

## ATTACHMENT A

- Unauthorized off-trail activity

### **Trespass Policy:**

Park guests whose behavior violates the Behavior Policy are educated about the Behavior Policy. It is Phoenix Parks and Recreation's policy to lead with education and raising awareness to achieve compliance with the Behavior Policy. In situations in which verbal warnings and education have not been successful, City staff members have the authority to order a park guest to leave the park for the remainder of the day. In the event of repeated offenses, and with the approval of park management, park guests may be issued a trespass notice for a period of 30 days or more, applicable to the location where the violation(s) took place or to all Phoenix Parks and Recreation parks and facilities.

- First offense will result in a verbal warning and education about the Behavior Policy, and shall require immediate cessation of the behavior that violates the Behavior Policy
- Refusal to cease the behavior that violates the Behavior Policy may result in an order to leave the park for the remainder of the day, pursuant to Phoenix City Code 24-54
- Repeated offenses may result in the issuance of a trespass notice valid for 30 days from some or all parks and facilities
- Park guests who previously received a verbal warning and have been issued a trespass notice, and continue to violate the Behavior Policy, are subject to trespass periods of 60 days and greater from some or all parks and facilities
- The following offenses are subject to immediate trespass periods of 60 days and greater from some or all parks and facilities:
  - Harassing patrons or staff members, including physical, sexual or verbal abuse
  - Violating any criminal law of the Phoenix City Code or the Arizona Revised Statutes

Trespass notices must include information on why the park guest is being trespassed, the amount of time they are being trespassed for and the locations from which they are being trespassed. Additionally, the trespass notice provides information on how to appeal the trespass.

Before a trespass notice is issued to a juvenile, a notification is sent to the juvenile's parent or guardian, informing them of the issue and providing education about the Behavior Policy.

**ATTACHMENT B**

**Phoenix Parks and Recreation Department  
Behavior Policy – Parent/Guardian Notice**

***Helping us maintain clean, safe, accessible and inviting parks and programs***

To the Parents or Guardians of: \_\_\_\_\_

This letter is to inform you of our concern regarding your juvenile's behavior within one of our parks or facilities. The City of Phoenix's parks and facilities are wonderful community resources accessible to community members of all ages. The City of Phoenix Parks and Recreation Department welcomes users of all ages, and strives to preserve an atmosphere of safety and respect among all guests at our parks and facilities.

The intent of the Phoenix Parks and Recreation's Behavior Policy clearly lays out what is expected of guests to our parks and facilities, including the behavior of juveniles. The goal of this policy is to promote behaviors and conduct that allow all individuals to enjoy clean, safe, accessible and inviting parks and programs.

We are reaching out to you through this letter to let you know that your child engaged in conduct that is not in keeping with our Behavior Policy on the following occasions:

- 1) \_\_\_\_\_
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_

As part of our Behavior Policy, repetitive violations of the Behavior Policy can result in a trespass notice being issued. This letter is your notification that your child may be trespassed from the property if they are found in violation of our Behavior Policy within the next 30/60/90 days. If a trespass notice is issued, it will be done in writing and provided to your child. In the event a warning is placed into effect, a violation of that warning could result in police contact and/or a citation into Juvenile Court.

Again, we strive to preserve an atmosphere of safety and respect among all guests at our parks and facilities, with the goal of ensuring clean, safe, accessible and inviting parks and programs. We are providing you with this notice in an effort to prevent any future issues.

If you would like to discuss this matter with a member of our staff, please call \_\_\_\_\_. A copy of the Parks and Recreation Department's Behavior Policy is also attached to this letter, and can be viewed on our web site, [phoenix.gov/parks](http://phoenix.gov/parks).

Thank you for your time and attention to this matter.

Sincerely,



# BEHAVIOR POLICY (CODE OF CONDUCT) TIMELINE – JAN. 2019 – SPRING 2020

