

Originator: Policy Memorandum

Date: December, 2013

Authorized by: Office of the Director

Date:

References: PARMS Policy 0.8.4.3

Revision Date:

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Purpose

To establish a policy for the temporary or permanent banning of an individual from Fayette County Parks and/or Parks and Recreation Programs, based on inappropriate or illegal behavior by individuals while participating in or while attending parks or Parks programs.

Scope

This policy applies to all individuals that participate in park programs or attend LFUCG parks.

Policy Introduction

It is the policy of the Division of Parks and Recreation that all persons who enter a park, park facility or participate in an organized or passive park program, event, activity and/or service will conduct themselves in accordance with published and posted rules and regulations. It is the responsibility of superintendents, managers and staff to ensure that these rules and regulations are published and made available to the public.

Due to the unique nature of recreation activities, each operating unit within the Division of Parks and Recreation has its own program/facility rules, codes of conduct and behavioral guidelines. Copies of all divisional rules and regulations that may lead to barring an individual are on file in the deputy director's office.

Any serious violation of a Parks rule or regulation by an adult or juvenile must be documented in writing to the Deputy Director of Parks within 10 business days of incident. A serious violation is defined as behavior that could result in that individual being removed from the program, event, activity or service for the remainder of the day of the infraction or for inappropriate behavior of a substantial nature. In most cases, inappropriate behavior results in a verbal warning, written warning and removal from the program, event activity and/or service.

BARRING/NO TRESPASSING NOTICE

Persistent inappropriate behavior(s), illegal activities and/or violations of local, state and federal laws and/or ordinances may result in the issuance of a **BARRING/NO TRESPASSING NOTICE**. The result of this issuance will be that the person -adult or juvenile- will be prohibited from entering **any and all** parks and park facilities operated and/or maintained by the Division of Parks and Recreation. Violation of this policy may result in an arrest or citation for Trespassing by the Division of Police.

TERM OF NOTICE

The term of this barring notice will be no less than 60 days and up to the lifetime of the person named in the barring/no trespassing notice.

RECOMMENDATION PROCESS

The recommendation to bar an individual will be made **in writing** by a Division of Parks and Recreation manager or supervisor and approved by the respective Deputy Director. The recommendation must state the name and address of the person to whom the barring/no trespassing notice is intended and a **complete** explanation as to the reason for the issuance of the barring/no trespassing notice. This should include any and all written notices of past violations of rules and regulations. The recommendation may also suggest a term for the barring/no trespassing notice. The Director will make the final determination on whether to issue a barring/no trespassing notice, and the term of the notice. The investigation and recommendation process should not exceed 60 business days from the original incident.

DELIVERY OF NOTICE

A barring/no trespassing notice will be delivered in person, or by certified mail, return-receipt requested, as well as first class mail. A copy of the barring/no trespassing notice will be provided to police, managers, Deputy Directors and other appropriate staff. Copies of the barring/no trespassing notice will be provided to the Division of Police for their records, with the request that violators of the barring/no trespassing notice be cited for Trespassing if found in the affected parks during the term of the notice.

SPECIAL CIRCUMSTANCES FOR ISSUANCE

Some offenses merit the immediate issuance of a barring/no trespassing notice while an investigation is conducted, which should not last longer than 60 business days. These include, but are not limited to:

- Vandalism, defacing and/or “tagging” by paint or other substance of any vehicle, equipment, structure, facility, sign and/or property feature within the properties maintained by the Division of Parks and Recreation.
- Fighting, assault, menacing, terroristic threatening, stalking or criminal abuse committed on property maintained by the Division of Parks and Recreation.
- Any sex crime observed and/or committed on property maintained by the Division of Parks and Recreation.
- Any crime committed by an adult against a juvenile on property maintained by the Division of Parks and Recreation.

A barring notice will be issued in writing by Lexington Parks and Recreation, after an investigation and a duration of banning has been determined. Guidelines which may be considered in determining the duration of banning are as follows:

1-12 Months	violation of park rules, policies, procedures; disregard for integrity of the sport: disruptive actions, continued/extended arguments with officials; vulgar and threatening language, fighting or attempted fighting, theft
1 to 3 years	Serious or flagrant violations of park rules, putting children at risk, any sex crime committed in a park, charges filed and/or court actions taken as a result of park based activities

Over 3 years violent behavior, endangering others, brandishing weapons, violations of policies to protect physical, mental, emotional safety of youth as outlined in the participant protection policy

COMMUNICATION

The notice of barring and notice of the appeals board decision will be made by certified mail, return-receipt requested, as well as first class mail. All other communication between the Division of Parks and Recreation and the recipient of a barring/no trespassing notice will be made by either party in writing. Any face-to-face meetings will be arranged by mutual agreement with no less than three (3) business days notice to both parties. The Deputy Director of Parks will act as the official representative of the Division with regard to barring/no trespassing notices.

APPEAL PROCESS

A barring/no trespassing notice can be appealed within 10 days of the receipt of the notice. The request for appeal must be made **in writing** and addressed to the Deputy Director of Parks, Division of Parks and Recreation, 469 Parkway Drive, Lexington, Kentucky 40504.

The panel will arrange for a public hearing at a time mutually agreed upon by the panel and the party named in the notice within thirty (30) days of the receipt of a request for an appeal. If the individual that was barred fails to appear for the hearing, then the barring judgment will be final.

The appeal panel will consist of (3) three district representative members appointed to the LFUCG Parks Advisory Board. The appeal panel members will rotate every (6) six months amongst the (12) twelve district representatives of the Parks Advisory Board. Any of the (9) nine district representatives not currently appointed to the panel can serve as an alternate for a current appeal panel member. All hearings will take place at the Division of Parks and Recreation headquarters located at 469 Parkway Drive, Lexington, Kentucky 40509.

The appeal panel will issue its findings within 5 days of the hearing. The finding will be delivered in person or by certified mail, return receipt requested, as well as by first class mail. An appeal can be made to Fayette County Circuit Court within 30 days of receipt of the appeal board's decision.

Review Record

Reviewer: sub-group of Nbhd Parks Task Force	Date: 9/20/13	Result: no change revise discard
Reviewer: Nbhd Parks Task Force	Date: 11/6/13	Result: no change revise discard
Reviewer: Hilary Angelucci	Date: 12/4/13	Result: no change revise discard
Reviewer: Nbhd Parks Task Force	Date: 12/11/13	Result: no change revise discard
Reviewer: Hilary Angelucci, Michael Sanner	Date: 1/8/14	Result: no change revise discard
Reviewer: Park Advisory Board	Date: 2/26/14	Result: no change revise discard
Reviewer: LFUCG Council	Date: 6/6/14	Result: no change revise discard