



To: Parks and Recreation Board

Date: October 22, 2020

From: Tracee Crockett, Acting Director

Subject: CODE OF CONDUCT UPDATE

This report provides the Parks and Recreation Board (Board) with an update regarding the behavior policy (code of conduct) implementation.

BACKGROUND

In October 2019, following a series of 13 community meetings to gather public input about problematic behaviors in parks and proposed solutions, and discussions at five Board meetings, the Board approved staff to move forward with the implementation of a code of conduct for parks and park facilities (**Attachment A**).

The goal of the code of conduct is to promote behavior that allows everyone to enjoy clean, safe, accessible and inviting parks, facilities and programs, by providing clear expectations of acceptable behavior in flatland parks, desert and mountain parks and preserves and other park facilities. The code of conduct was written in partnership with the community and City departments, including the Law Department, Prosecutor's Office and Police Department.

Staff's intent at the time the code of conduct was approved was to implement it in April 2020, after a 60-day public education period in which the code of conduct would be rolled out to the community and park users through a public awareness campaign. However, in the intervening time, the COVID-19 pandemic struck, severely impacting the City, including the Parks and Recreation Department, and staff's efforts were redirected away from implementing the code of conduct.

It was also determined that a public awareness campaign about the code of conduct would detract from messaging about COVID-19 and related park amenity closures, resulting in confusion for park users. With recent decreases in the spread of COVID-19, and as a result of recent Board and City Council direction to reopen park amenities, this challenge no longer exists.

In the year since the code of conduct was approved by the Board, there have also been ongoing discussions regarding citywide departmental codes of conduct, which resulted in the "behavior policy" (as it was referred to at the time of Board approval) being

renamed “code of conduct” to align with departmental codes of conduct citywide. With this, staff can continue moving forward with the implementation process for the Parks and Recreation Department’s code of conduct that the Board approved in October 2019.

DISCUSSION

In preparation for the code of conduct’s implementation, staff has worked to prepare for the code of conduct’s implementation, including:

- Formed a liaison committee made up of maintenance, recreation and park ranger staff, which met over 10 times to discuss code of conduct implementation.
- Created a training strategy and materials with which to educate field staff about the code of conduct, including a Field Operation Procedure (FOP) to provide field staff with direction about how the code of conduct is to be implemented and how education and enforcement will be handled.
- Drafted a code of conduct flyer for staff to use when educating park users and the community about behavioral expectations for park users.
- Created a new web site to house information about the code of conduct, park rules and related ordinances.
- Created a trespass notice card for park rangers to provide to recipients of trespass notices, which informs them of their appeal rights.
- Worked with the City’s Information Technology Services Department to develop an Information Technology system to document and track trespass notices and appeals.
- Designed new code of conduct signs for installation in parks and park facilities, which is currently being finalized, and funding identified for installation.

Moving forward, staff will be using the months of November and December to finalize preparations for the code of conduct’s implementation in early 2021. This includes providing training on the code of conduct to field staff and supervisors throughout the Parks and Recreation Department; printing and distributing materials for staff and the public; and working with the City’s sign vendor to finalize, fabricate and install the new code of conduct signage throughout the parks system.

Perhaps most importantly, staff will be promoting the new code of conduct to the community and raising public awareness about the new behavioral expectations for parks and park facilities. As part of this, staff will work with the department’s Public Information Officer to roll out the new code of conduct web page and push out information via the department’s social media channels. Staff will partner with the Neighborhood Services Department, and Mayor and City Council offices so they can share information to their community connections and constituents.

Staff’s intent continues to be to devote the first 60 days of the code of conduct’s implementation to educating park users about the new code of conduct, before the trespass policy of the code of conduct is utilized. Laws and existing park rules will

continue to be enforced during this time, but trespass notices will not be issued for the new behavioral expectations for parks and park facilities contained in the code of conduct, until the conclusion of the 60-day period.

RECOMMENDATION

This report is for information and discussion.

Prepared by: James Orloski, Deputy Director

Approved by: Tracee Crockett, Acting Director

ATTACHMENT A

Phoenix Parks and Recreation Department Code of Conduct

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 Code of Conduct 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 Code of Conduct. 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 Code of Conduct 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.

Code of Conduct:

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
- 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 Code of Conduct
- 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
- Unauthorized off-trail activity

Trespass Policy:

Park guests whose behavior violates the Code of Conduct are educated about the Code of Conduct. It is Phoenix Parks and Recreation's policy to lead with education and raising awareness to achieve compliance with the Code of Conduct. 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 Code of Conduct, and shall require immediate cessation of the behavior that violates the Code of Conduct
- Refusal to cease the behavior that violates the Code of Conduct 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 Code of Conduct, 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 Code of Conduct.