

Approval date: January 8, 2019

Resolution No. 08/2019

**Subject: Banning of Persons from City Facilities or Lands**

---

**Goal**

The goal of this policy to ensure safe and respectful City spaces for citizens, staff and visitors.

**Scope**

This policy covers all City owned facilities and lands, including but not limited to City buildings especially those open to the public and open public spaces such as but not limited to parks, beaches and trails.

**Policy**

In an effort to ensure safe and respectful City spaces for citizens, staff and visitors the City will not accept behaviors from individuals that threaten those spaces and people within those spaces. City staff may ban individuals from City spaces for displays of unacceptable behaviors.

Examples of behaviors that will cause for banning include but are not limited to:

- Physical or verbal threats to City staff or others;
- Cause of damage to City property;
- Theft;
- Use of profanity;
- Use or exchange of alcohol or drugs;
- Smoking of any substance in prohibited areas;
- Causing a disturbance; and
- Intentionally causing an ongoing or significant safety risk.

Banning an individual is a serious matter. The decision to ban an individual from one or more City spaces must be reasonable, justifiable, and limited in time and scope. Any individual ban will depend on what is reasonable on a case-by-case basis.

## Process for Banning Individuals

A City Manager or Director<sup>1</sup> will have authority to ban individuals for unacceptable behavior following the process below:

1. The Manager or Director will attempt to speak to the individual and identify for that individual the unacceptable behavior. If the individual immediately recognizes and acknowledges the misbehavior and the Manager or Director believes the individual will not repeat the behavior, and the behavior is somewhat minor in nature, no further action may be required.
2. If the individual refuses to modify the behavior, repeats behavior, or displays behavior that poses significant risk to safety of people and/or security of property, the Manager or Director will ask the person to leave the City space or arrange to have that person removed from the City space and advised that they will be banned, the reasons for the banning, and the limits of the banning (time and space).
3. The Manager or Director will obtain the person's name, address and any other contact information available.
4. The Manager or Director will follow up with a letter to the banned person outlining the following:
  - a. Date and description of display of unacceptable behavior or incident containing as much detail as possible, including why it has been deemed unacceptable (e.g. unacceptable public behavior that makes others uncomfortable or feel unsafe, a threat to the physical, mental or emotional well-being of staff, citizens or visitors, etc.). The letter will also include an Appeal Process (see below).
  - b. Description of the ban – from which City spaces, for what length of time. Note that the ban must be reasonable and justifiable. A complete ban from all public City spaces is not warranted if behavior was specifically displayed at only one location. A time limit must be established (one day, one month, one year, two years, etc. – infinite is not an option) which suits the unacceptable behavior. For example, a one month ban may be appropriate where unacceptable use of profanity in a loud disruptive way made people uncomfortable, as long as the individual displaying this behavior confirms they will refrain from repetitive behavior. A two or more year ban may be appropriate where an individual has verbally or physically threatened someone.
  - c. If the Director or Manager deems it reasonable, an option is to require the individual to only speak to specific identified people employed by the City. For example, the Manager, or any Manager may be the first point of contact for any interaction with the City. The goal is to protect front line and other staff from possible negative and/or unacceptable behaviors.
5. If an address or contact information has not been obtained, the incident will be documented with the same information as noted in 4. above and saved into the City's electronic document management system under the appropriate structure.
6. A banned individual may show immediate or delayed remorse and may request a meeting with the appropriate Manager or Director to request a lift of the ban. The Manager or Director may determine through an interview if the person is ready and prepared to be readmitted to City facilities or lands. On a case by case basis banned individuals may be requested to submit a background or criminal record check, or provide a suitable reference.
7. A ban may be extended if it is determined that the banned individual is still subject to misbehavior.

---

<sup>1</sup> Where this policy refers to Manager or Director, the policy may also be enforced and acted upon by any designate of the Manager or Director.

8. It is preferred that any banned individual meet with the Manager or Director prior to the ban expiring at which time it will be determined if the ban needs to be extended. On a case by case basis banned individuals may be requested to submit a background or criminal record check, or provide a suitable reference.
9. Where photos have been taken of the banned person, these may not be posted anywhere that is visible to the public. These photos are strictly for use by staff who may need to identify individuals. Photos will be destroyed once the ban is over or lifted.

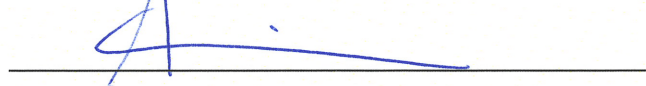
### Appeal Process

When a person has been banned from City facilities, they will have the right to request a reconsideration of that banning through an Appeal Process. The Appeal process will be as follows:

1. The person will make the request for reconsideration of the banning, or to appeal the ban, preferably in writing to the Manager or Director who has issued the ban.
2. The request should include the reasons for the request/dispute, and commitments to any changes that individual will make to ensure the unacceptable behaviors are not repeated. A verbal or written apology to those who were affected may be required.
3. The Manager or Director may make the decision to lift the ban. If the Manager or Director refuses to lift the ban, the banned individual has the right to request an Appeal through a hearing by Council by providing written submission to the Corporate Officer. The Corporate Officer will schedule a hearing, normally during a Regular Council Meeting day. The scheduled date will be based on the ability of the banned person to attend and enough time will be given for the requester to review the City's submission to Council, but not greater than 30 days from the date the request is received unless agreed to by the person requesting the hearing.
4. The Manager or Director will prepare a written submission for presentation at the Council hearing outlining the details of the banning, and provide that written material to the hearing requester as soon as reasonably possible for the requester to prepare their submission.
5. The requester will provide the Corporate Officer with written copies of their submission to Council which will include reasons why the ban should be lifted or removed. The written copy must be provided to the Corporate Officer at least seven (7) days prior to the hearing.
6. At the hearing, the Manager or Director will present to Council the reasons for the banning. Council will then hear from the banned individual the reasons why the ban should be lifted or removed. Council may direct questions through the meeting Chair to the presenters at any time during the hearing.
7. The Manager or Director will have an opportunity to respond to any comments or concerns presented by the banned individual.
8. Council will present any final questions, debate the issue, and provide the banned individual with a decision whether to confirm the ban or remove/lift the ban.

### **Previous revisions - None**

Certified Correct



Angie Collison, Corporate Officer