

PROCEDURE FOR SUSPENSION OF RECREATIONAL PRIVILEGES

HENRICO COUNTY, VIRGINIA

Adopted June 28, 2023

1. Purpose. The Henrico County Division of Recreation and Parks (“Division”) desires to establish an immediate and fair procedure for suspending the recreational privileges of those individuals who, while on or within park or recreational property of the County, violate the laws, ordinances, or rules and regulations of the Commonwealth, the County, or the Division or engage in acts of disrespect or violence toward the employees of the County.

2. Applicability. Any person who, while on or within park or recreational property of the County, violates the laws, ordinances, or rules and regulations of the Commonwealth, the County, or the Division; violates the conditions of any permit or reservation for the use of such park or recreational property; damages or destroys property belonging to the County; uses the County’s parks or recreational properties in a disorderly manner; or engages in acts of intimidation or violence toward the employees of the County is subject to suspension of his or her recreational privileges in the County.

3. Initial Procedure.

Law-Enforcement Initiated. A Henrico Police Officer may issue a written Trespassing Notice, in the form attached to this Procedure, to a person after determining that such person, while on or within park or recreational property of the County, violated laws, ordinances, or rules or regulations of the Commonwealth, the County, or the Division affecting public health, safety, or welfare; caused \$500 or more in damage or destruction to County property; used the County’s parks or recreational properties in a disorderly manner (including, but not limited to, possession or consumption of controlled substances, possession or consumption of alcohol in areas of park or recreational property where possession or consumption of alcohol is not permitted, engaging in sexual acts, and discharging a firearm); or engages in acts of intimidation or violence towards one or more employees of the County. An officer that issues

a Trespassing Notice must send a copy of the incident report to the Assistant Director of Recreation and Parks, Park Services, within three days of the incident. Following receipt of the incident report, the Assistant Director will investigate the report. The Assistant Director will affirm or reverse or modify the suspension by written notification to Henrico Police Park Patrol within 10 days of receipt of the incident report. If the suspension is reversed or modified, the Assistant Director will also notify the person by letter sent to the address listed in the incident report that the suspension has been reversed. If no address is listed in the incident report, then the Assistant Director will attempt to notify the person using the best information available.

Assistant Director Initiated. In addition, the Assistant Director of Recreation and Parks, Park Services, may issue a Trespassing Notice to a person after independently determining that such person, while on or within park or recreational property of the County, committed any of the acts set forth in the immediately preceding paragraph. The Assistant Director will review the incident with Park Patrol prior to issuing the Trespassing Notice. No such Trespassing Notice will be effective until it has been delivered to the subject of the Trespassing Notice in person, together with an explanation of the conduct giving rise to the Trespassing Notice. Police may assist with delivery of the Trespassing Notice.

The Assistant Director must keep appropriate records of each incident report he or she receives, the results of his or her investigations, and the actions taken in regard to each incident report and investigation.

4. Appeal. A person whose recreational privileges have been suspended may appeal the suspension in writing to the Director. The appeal must be submitted within 30 days after receiving the Trespassing Notice. The appeal must contain the person's explanation of the incident, his or her reasons for appealing, and the specific relief which he or she desires.

Within ten business days of receiving a written appeal, the Director, or his or her designee, will schedule a meeting with the person, the Police Officer involved, if any, and appropriate witnesses to discuss the particulars of the incident. The person making the appeal is responsible for arranging for the presence of any witnesses that he or she desires to attend the meeting and speak on such person's behalf.

Within ten business days after the meeting, the Director will send the person a written letter, by certified mail, setting forth his or her decision in the matter. The Director will send a copy of his or her decision to Henrico Police Park Patrol.

The decision of the Director is final.

5. Trespass. A person subject to a Trespassing Notice may not enter any of the County's parks or recreational properties for which his or her privileges have been suspended for a period not to exceed (a) one year for the first Trespassing Notice or (b) two years for a second or subsequent Trespassing Notice. Any person whose recreational privileges in the County have been suspended, and who appears during the period of his or her suspension within any of the County's parks or recreational properties for which his or her privileges have been suspended, may be prosecuted for the offense of trespass.

6. Reinstatement. The Director may reinstate a person's recreational privileges — in whole or in part (i.e., for specified purposes, for specified times, at specified parks or properties, or any combination) — for good cause shown. A person whose recreational privileges in the County have been suspended may apply in writing to the Director for reinstatement on a form provided by the Director. Within ten business days after the Director receives the application, the Director will send the person a written letter, by certified mail, setting forth his or her decision on reinstatement. The Director will send a copy of the decision to Henrico Police Park Patrol. No application for reinstatement will be accepted before six months after the date of the suspension. If the Director denies reinstatement, the applicant may not reapply for one year from the date of the denial.