

Disruptive Behavior and Facility Ban Policy
Policy #BAN072522
Effective Date: July 25, 2022

I. Purpose:

The purpose of this policy is to address disruptive non-employee behavior that adversely impacts the Town's ability to perform the public's business.

If an employee exhibits disruptive behavior, please refer to the appropriate Town Human Resources policies governing employee conduct in the workplace and consult the Mayor and Deputy Town Manager. If a contractor exhibits disruptive behavior on Town Property, please refer to the Town Project Manager for assistance.

II. Authority:

This policy was established by the Mayor under general authority granted by the Town Council and provides administrative guidelines that shall be followed in the circumstances described herein. The Mayor or Deputy Town Manager has authority to deviate from these guidelines and procedures should the situation so warrant. The Mayor is the controlling authority for all matters related to this policy. The Mayor shall be notified of all trespass bans and shall be consulted on all appeals.

III. Definitions:

A. **Building Rules:** A standard for behavior that all employees, visitors, and others occupying Town facilities are expected to adhere to. Building rules shall be

posted conspicuously so the rules can be easily viewed upon entering a Town Hall and everyone who enters the facility must physically walk past the posting. The Mayor has the sole authority to set building rules. Should the need arise for special building rules at a particular facility or work area within a facility, the affected Department should seek approval from the Mayor or Deputy Town Manager.

- B. **Disruptive Behavior:** Any disorderly conduct that a reasonable person would find disrupts or impedes normal business operations, the effective delivery of service, and/or the maintenance of a safe work environment in a County Facility. All violations of criminal law that occur within a County facility shall be considered disruptive behavior under this policy.
- C. **Property Manager:** The Deputy Town Manager is designated by the Mayor to implement and administer this policy and address instances of disruptive behavior as they arise in addition to the review and appeals of issued facility bans and to make alternative arrangements for access by banned individuals to Town Services during the time his/her ban is in effect. Decisions by this Officer shall be made in consultation with the Mayor.
- D. **Duty of Town Employees:** All employees in their work areas shall be made aware of this policy and how to administer the procedures outlined herein.
- E. **Work Areas:** A space that is under the control and authority of the Town and may include office space, lobbies, hallways, restrooms, grounds, and parking areas.

IV. Policy Statement:

The Town has an interest in preserving a work environment that is safe and conducive to pursuing the public's business. Every visitor to a Town facility has a right to access Town services and to experience these services in a friendly, courteous, safe, and professional environment. From time to time, individuals may act in a manner that is disruptive to the business environment and which precludes the Town's ability to provide friendly, courteous, safe, and business-like services. It is the Town's policy to address disruptive behavior from non-employees in accordance with this policy.

A. The Role of Town Staff:

Employees are responsible for knowing this policy and their role in enforcement. Public Works is responsible for posting building rules and other signs, making security improvements to Town facilities, and providing employee training on this policy.

B. The Role of Law Enforcement:

Law enforcement assists all Town offices and staff with support in maintaining a disruption-free workplace. If an employee experiences or witnesses' behavior that is physically threatening, abusive, illegal, intimidating, or would otherwise require the immediate presence of law enforcement, the employee should call 9-1-1. For situations that require the presence of Law Enforcement but do not warrant an emergency response, the non-emergency number for the appropriate agency should be called. Violations of a ban, such as returning to the facility during the ban period, may constitute the offense of Trespassing under Code of Virginia § 18.2-119. Law Enforcement should be called to assist in this instance.

1. Hurt Police Department Ban Authority:

Town Police of Hurt VA are authorized by this ordinance to act as a “person lawfully in charge of the property.” Just as the Mayor and Deputy Town Manager have authority to forbid any individual from entering or remaining upon the lands, buildings, or premises of the Town, pursuant to this authorization any sworn member of the Hurt Police Department may do so as well. As such a sworn Town of Hurt Police Department can ask an individual to leave a Hurt facility for disruptive behavior or other violations of posted building rules.

V. Banning an Individual for Disruptive Behavior:

A. General Procedures

Enforcement of this policy may lead to the banning of an individual from a Town facility or facilities for a specified period. Whenever possible, the procedures for banning outlined in this policy shall be utilized. Interactions with members of the public regarding bans should be conducted primarily by the Mayor, Deputy Town Manager or a Hurt Police Officer and preferably witnessed by another employee.

1. **Progressive Ban Periods:** A “violation” under this policy includes, but is not limited to, the disruptive behavior as defined herein, violations of posted building rules, as well as any violation of criminal law. A violation of an individual’s ban restrictions may constitute the crime of trespassing under § 18.2-119 of the Code of Virginia. Law Enforcement should be contacted to assist when such a violation occurs. Once a ban period is complete, the banned individual may resume accessing the formerly restricted locations. Administration of this policy is generally progressive in nature, as follows:

- a) First violation: This will result in a ban that is effective immediately and expires at the start of the next business day.

In situations where there are multiple work areas within a facility, such as the Town Hall, the ban will extend to the entire facility.

- b) Second violation: This will result in a ban for one week. This level of ban may also include exclusion from all facilities of the same type.
- c) Third and subsequent violations: This will result in a ban of one month. This level of ban will trigger a review by the Mayor. The Mayor's review could include an extended ban period or permanent ban. The ban could also be extended to all Town of Hurt properties and facilities.

2. **Deviation from Progressive Ban Periods:** The Mayor has the sole authority to deviate from the procedure described above. Violations of criminal law, as well as situations in which there is a safety concern, shall be reviewed immediately by the Mayor, Deputy Town Manager or Hurt Police, to consider deviation from the progressive ban protocol.
3. **Town Services During a Ban Period: The** Town will serve all persons in need irrespective of ban status. However, banned persons will be required to comply with additional steps to ensure the safety of everyone. Should the banned individual have a need to access Town services during his/her ban period he/she should contact the Hurt Police Chief. For situations where a banned person had a previously scheduled appointment "pre-ban," he/she should immediately contact the employee the appointment is scheduled with to provide notification of the ban. The employee should then contact the Deputy Town Manager to establish alternative service arrangements, such as escorted appointments, time limited appointments, utilizing alternative locations, or appointments via electronic means.
4. **Appealing a Ban:** Banned individuals have the right to contest the issuance of a ban notice by contacting the Mayor. After an investigation into the facts of the incident and discussion with involved parties, the Mayor will render a decision that may uphold the ban or modify it as deemed appropriate.
5. **Ban Notification Forms:** The Disruptive Behavior Ban Notification Form shall be completed for all bans. Delivery of this form to the banned individual shall be attempted in accordance with this policy. A Town Incident Report form shall also be completed for all bans. The ban form and any other associated paperwork shall be uploaded to the Town Incident file. The documentation needs to include a sufficient description of the person being

banned to enable other employees or law enforcement to recognize the person. The document shall be identified by a case number in the police records file system.

The person who issued the notice shall complete and sign the ban notification form (see attached). The preferred method of delivery is to provide the form in person directly to the individual being banned. Personal delivery should be attempted even in situations where the individual refuses to identify him/herself or refuses to accept the form. In cases where the individual departs prior to the form being issued or is otherwise unavailable for personal delivery, a copy of the undelivered form shall be left at the front desk of the Work Area for future delivery should the person return during the ban period.

6. Trespassing and Court Proceedings: Under § 18.2-119 of the Code of Virginia, a charge of trespassing is warranted when an individual refuses to leave a property after being told to leave by the property owner or their agent. All trespassing cases shall be handled by Law Enforcement. A charge of trespassing may also be appropriate when an individual violates the conditions of his/her ban. Law Enforcement should also be called in this instance. When a charge of trespassing is made a court date will be assigned. The Issuing officials may need to be in court as a witness. The charging law enforcement officer will determine who is necessary for court and issue subpoenas. In addition to being a witness, the Issuing Party may be needed in court to act as an Agent for the Property Owner, which is Hurt, Virginia.

7. Notifications and Distribution of Bans: The following notifications shall be made in all cases of Disruptive Behavior under this policy: A copy of the Notice shall be posted in the Town Hall or other Town facilities as appropriate.

B. Specific Procedures:

1. Banning an Individual for Unwitnessed Disruptive Behavior:

Situations will arise in which an individual needs to be banned for disruptive behavior that did not occur in person. An example would be harassing or threatening phone calls, emails, or letters. These incidents should be documented on the incident report form and referred directly to the Mayor.

2. Banning an Individual when Law Enforcement Presence is not Required: The following steps should be taken when staff observes or is informed of violations of the Disruptive Behavior Policy that do not require the presence of Law Enforcement.

- **Step 1.** Upon observation of a violation of this policy, staff will address the individual and ask him/her, in a professional manner, to correct the behavior. At that time, staff will notify the Mayor or Deputy Town Manager of the situation.
- If the individual complies, then no further action is necessary.
- **Step 2.** If after being warned, the individual continues or resumes disruptive behavior, the Issuing Party should remind the individual of the building rules and the specific violation. The Issuing Party shall inform the offender that the Town has given them the authority to issue bans. The Issuing Party should further advise the individual that failure to comply may result in a ban for a specified period and location (see progressive ban periods).
- **Step 3.** If after two warnings, the individual continues or resumes disruptive behavior, the Issuing Party, in the presence of an employee witness, should inform the violator to leave the facility. The Issuing Party should also advise the individual of the conditions of his/her ban - such as length of the ban and which facilities are included. If it can be done safely, a copy of the ban form should be handed to the individual.
 - Note:** The Issuing Party should begin completing the ban notification form that is attached to this policy prior to initiating step three. This will allow the individual to be issued the paperwork at the time of the ban.
- **Step 4.** If the individual refuses to leave the facility, Law Enforcement should be called to assist. If an emergency response is required, 9-1-1 should be called.

3. Ban with Law Enforcement Response:

- When the Issuing Party asks an individual to leave the property and he/she refuses, Law Enforcement should be called. If the individual poses a physical threat, then 9-1-1 should be called. A Law Enforcement officer will respond and take appropriate action utilizing his/her discretion. The following protocol should be utilized by staff when the behavior is currently occurring, and it appears to be a criminal offense or is of such a nature to cause concern for the physical safety of an employee or visitor to the facility:
- **Step 1:** If the Hurt Police are not on site, call 9-1-1 immediately and answer the Call Taker's questions. They will dispatch appropriate First Responders based on your description of events.

- **Step 2:** Notify the Issuing Party as soon as possible. Do NOT attempt to detain or contain the individual in any way. Only take action to protect yourself or another person.
- **Step 3:** Upon Law Enforcement's arrival, brief them on the situation. When appropriate, the Issuing Party should notify the Law Enforcement Officer that he/she wishes to ban the individual.
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- **Step 4:** The Issuing Party should complete the Ban Notification form attached to this policy. The Issuing Party should ask the Law Enforcement officer to assist in completing the ban process and delivering the Ban Notification form to the individual.
- The Law Enforcement officer may ask the Issuing Party to state the following to the individual being banned:
 - “I am the designated Property Manager for this Town of Hurt VA Work Area.”
 - “I have the authority to ban individuals for disruptive behavior.”
 - “Effective immediately, you are banned from this facility, and you must leave the building now.”

VI. **Training:**

Training shall be developed for all staff on this policy. The training shall include but not be limited to all aspects of the policy, situational awareness, personal safety, and scenarios related to banning. The training will be developed by the Director of Public Safety/Deputy Town Manager.

Town of Hurt Council

DISRUPTIVE BEHAVIOR BAN NOTIFICATION FORM

To: _____

Date/Time _____

Address _____

Contact info: _____

Physical Description if unable to identify: _____

I, _____ am the designated Manager of this Town of Hurt VA

Work Area/facility located at:

Building Name/Address _____

I have the authority to ban individuals for disruptive behavior. You have been advised of your disruptive behavior, namely: _____

Effective immediately, you are banned from this Work Area/Facility and you must leave now.

Your ban period is from (Date/Time) to (Date/Time)

NOTICE

**VIOLATORS OF THIS BAN ARE SUBJECT TO CHARGES OF TRESPASSING IN ACCORDANCE WITH
CODE OF VIRGINIA § 18.2-119**

Town Leader Signature

Date: _____

Mayor Contact Information: _____

Should you need to access Town services during your ban period, you must make arrangements with the Mayor or Deputy Town Manager..

To appeal your ban, you may contact the Mayor or Deputy Town Manager and request an appeal for this action.

This form is for the express purpose of enforcing the “Disruptive Behavior and Facility Ban Policy” policy (#BAN072522).