

**KNOXVILLE PARKS AND RECREATION DEPARTMENT
NO-TRESPASS POLICY AND RULES FOR CONTESTED CASES**

Section 1. Authority. Pursuant to authority granted in § 305(C) of the Charter of the City of Knoxville and 2-292(2) of the Knoxville City Code, the Knoxville Parks and Recreation Department hereby adopts the following “No-Trespass Policy and Rules for Contested Cases.”

Section 2. Findings and No-Trespass Policy.

- A. Findings.** Persons who are determined to have been engaged in undesirable activity in or near Knoxville’s Parks and Recreation facilities, including but not limited to drug-related activity, violent activity, indecent exposure or prohibited sexual activity, activity involving damage to or destruction of public or private property, who have been found to be in possession of weapons or have been involved in any other illegal conduct or in persistent violation of the rules for Knoxville’s Parks and Recreation Department facilities present a risk of harm to property or to the health and safety of employees or visitors to Knoxville’s Parks and Recreation Department facilities.
- B. Policy.** In order to protect property and the health and safety of employees or visitors to Knoxville’s Parks and Recreation Department facilities, the Parks and Recreation Department shall bar from entry to any of its facilities any persons who, on or in those facilities, have been engaged in undesirable activity, including but not limited to drug-related activity, violent activity, indecent exposure or prohibited sexual activity, activity involving damage to or destruction of public or private property, who have been found to be in possession of weapons or have been involved in any other illegal conduct or in persistent violation of the rules for Knoxville’s Parks and Recreation Department facilities.

Section 3. Procedure for Implementing No-Trespass Policy. The following procedure shall be used in implementing the No-Trespass Policy:

- A. Implementing Officer.** The Director of Parks and Recreation shall appoint one or more Parks and Recreation Department employee(s) as implementing officer(s) who shall be responsible for implementing the Knoxville Parks and Recreation No-Trespass Policy (the “No-Trespass Policy”).
- B. Sources of Information.** In implementing the No-Trespass Policy, the implementing officer(s) may rely on reasonably reliable information received by them with respect to undesirable activity, including but not limited to drug-related activity, violent activity, indecent exposure or prohibited sexual activity, activity involving damage to or destruction of public or private property, the possession of weapons or other illegal conduct (regardless of whether there has been a conviction of any crime or ordinance violation) or persistent violation of the rules for Knoxville’s Parks and Recreation Department facilities that presents a risk of harm to property or to the health and safety of employees or visitors to Knoxville’s Parks and Recreation

Department facilities. Such information may include, but is not limited to, arrest reports from and/or conversations with officers of the Knoxville Police Department and other law enforcement agencies, court records, information received from visitors to Knoxville's Parks and Recreation Department facilities, and information received from Parks and Recreation employees and other information that is determined by the implementing officer to be reasonably reliable.

- C. **Decision of Bar From Property.** Based on the information related to the offensive or undesirable activity noted above, the implementing officer(s) shall have the authority to decide that an individual who is determined to have engaged in such activity shall be barred from any or all of Knoxville's Parks and Recreation Department facilities. Unless otherwise specified, debarment from Knoxville's Parks and Recreation Department facilities shall remain in effect until such time as the Hearing Officer under this Policy or a designee of the Hearing Officer determines that a person who has been barred no longer presents a risk of harm to property or to the health and safety of employees or visitors to Knoxville's Parks and Recreation Department facilities.
- D. **Notice of Decision to Bar.** Each person who has been barred from Knoxville's Parks and Recreation Department facilities as a result of this Policy shall be given notice of such decision (a "Trespass Warning") and shall be notified that future entry to or presence at Knoxville's Parks and Recreation Department facilities shall result in arrest and the filing of criminal charges under the Tennessee criminal trespass statute, TENN. CODE ANN. § 39-14-405. A Trespass Warning shall indicate the Parks and Recreation Department facilities from which the person is barred, if the person is not barred from all Parks and Recreation Department facilities, and shall indicate the length of time the bar is effective, if the bar is not indefinite. A Trespass Warning may be given or delivered by a Parks and Recreation Department employee, by a member of the Knoxville Police Department or other law enforcement agency that is willing to give such notice or by any other reasonable method of giving notice. When practical, a Trespass Warning shall be in writing but the Parks and Recreation Department shall have the right to rely on a verbal Trespass Warning that is documented in Parks and Recreation Department records.
- E. **Arrest for Criminal Trespass.** After a Trespass Warning has been given to any person who has been barred from Knoxville's Parks and Recreation Department as a result of this Policy, if such person subsequently enters upon or is found to be on Knoxville's Parks and Recreation Department properties, the Parks and Recreation Department may cause such person to be arrested for criminal trespass. In order to facilitate the identification and arrest of persons found to be trespassing on Knoxville's Parks and Recreation Department properties in violation of a Trespass Warning, the implementing officer(s) may maintain a list of the persons who have been barred from its properties.

Section 4. Rules for Contested Case.

- A. **Scope.** These rules shall be applicable to all contested cases involving the No-Trespass Policy. Any person who has been barred may utilize the procedure set forth herein for contesting the issuance of a Trespass Warning and/or the enforcement of this Policy against that person.
- B. **Written Appeal.** Each contest of a decision under the No-Trespass Policy shall be in writing and shall be on such form (the “Appeal Application”) as the Parks and Recreation Department shall adopt. Any person who has been barred may attach thereto relevant supporting statements from other persons and other appropriate and reasonable documentary evidence.
- C. **Hearing Officer.** The Director of Parks and Recreation shall be the “Hearing Officer” and shall decide all contested cases.
- D. **Rules of Evidence.** The Hearing Officer shall consider the Appeal Application of the person who has been barred and such other relevant information necessary to assist the Hearing Officer in making a decision that the Hearing Officer has determined is reasonably reliable and/or is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs. The strict rules of evidence shall not apply. The Hearing Officer may exclude statements and/or information that is irrelevant, immaterial, or unduly repetitious.
- E. **Incomplete, Incorrect or Inaccurate Information.** The submission of incomplete or materially incorrect or inaccurate information in connection with an Appeal Application shall be the basis for denial of the Appeal Application without further consideration.
- F. **Written Decision.** The decision of the Hearing Officer shall be in the form of a written final decision. The basis for the Hearing Officer’s decision shall be included in the written decision. A copy of the Hearing Officer’s final written decision shall be dated and shall be delivered to the address for the person who has been barred that is set forth on the Appeal Application.
- G. **Judicial Review.** Any person who is aggrieved by a final written decision of the Hearing Officer in a contested case shall have the right to judicial review by filing a common law certiorari under TENN. CODE ANN. § 27-8-101. The procedures for such judicial review shall be governed by TENN. CODE ANN. § 27-9-101, et seq.
- H. **Enforcement During Appeal.** During the pendency of any Appeal Application and/or the judicial review of a final decision by the Hearing Officer, a Trespass Warning shall continue to be in effect and any violation of the Trespass Warning during such time shall be a violation of the Tennessee criminal trespass statutes.
- I. **Addresses.** For those persons who are subject to a Trespass Warning and, therefore, are barred from entry into Knoxville’s Parks and Recreation Department facilities, an Appeal Application may be obtained from, and when completed should be mailed to: Parks and Recreation Director, P.O. Box 1631, Knoxville, TN 37901.