

Date Approved: 02/07/2023

SUBJECT: DUVALL CIVILITY POLICY

PURPOSE: Promote mutual respect, civility and orderly conduct among City employees, elected officials and the public.

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## **DUVALL CIVILITY POLICY**

### RECITALS

1. Duvall elected officials and employees will treat members of the public with respect and expect the same in return. The City is committed to maintaining orderly administrative processes and keeping City administrative offices free from disruptions. The City is also committed to maintaining a safe, productive, and harassment-free work environment for all City employees.
2. This policy promotes mutual respect, civility, and orderly conduct among City employees, elected officials and the public. This policy is not intended to deprive any person of their right to freedom of expression, but only to maintain, to the extent possible and reasonable, a safe, productive and harassment-free workplace for City staff and a safe and non-threatening environment for visitors and customers. The City encourages professional, courteous, and respectful communication and discourages hostile, intimidating, or otherwise disruptive actions. The City seeks public cooperation with this commitment to its staff and community.

### PROVISIONS

#### Definitions:

1. "Harassment", pursuant to Washington State law, is defined as threatening:
  - To cause bodily injury immediately or in the future to the person threatened or to any other person; or
  - To cause physical damage to the property of a person other than the actor; or
  - To subject the person threatened or any other person to physical confinement or restraint; or
  - Maliciously to do any other act which is intended to substantially harm the person threatened or another concerning their physical or mental health or safety; and

The person, by words or conduct, places the person threatened in reasonable fear that the threat will be carried out. "Words or conduct" includes, in addition to any other form of communication or conduct, sending an electronic communication.

2. "Stalking," under Washington State law, is defined as:
  - intentionally and repeatedly harassing or repeatedly following another person; and
  - the person being harassed or followed is placed in fear that the stalker intends to injure the person, another person, or the property of the person or another person. The feeling of fear must be one that a reasonable person in the same situation would experience under all the circumstances and
  - The stalker either:
    - Intends to frighten, intimidate, or harass the person; or
    - Knows or reasonably should know that the person is afraid, intimidated, or harassed even if the stalker did not intend to place the person in fear or intimidate or harass the person.

#### Section A: Rules of Civility

1. All interactions between City staff, City elected officials and members of the public shall be conducted respectfully.
2. Threats, including threats of violence, will not be tolerated.
3. Members of the public will refrain from any behavior that disrupts or threatens to disrupt City government operations or is unreasonably disruptive to others, including any of the following:
  - a. Insulting, demeaning, intimidating, or offensive communications.
  - b. Harassment, stalking or intimidation of any City staff, City elected official, or member of the public;
  - c. Willful destruction of City property;
  - d. Conduct that threatens to provoke a violent reaction; and
  - e. A continuing pattern of unreasonably disruptive behavior.

#### Section B: Administrative Enforcement Standards

The City will take the following steps to promote compliance with this Civility Policy. The City reserves the right to take additional measures as necessary, including establishing a separate standard for interactions between City staff and a specific member of the public. These standards are intended to be used as a progression, and the City will use the least impactful standard as a first step unless circumstances warrant elevating the level of response needed to achieve its civility goals.

1. Official Warning

If a member of the public violates this Civility Policy, a Supervisor on duty will issue an oral warning and provide that person with a copy of this policy before taking further action unless the member of the public requires a more severe response. This warning should clearly identify both the offending behavior and potential consequences that will arise if such behavior persists; staff will provide the member of the public with an opportunity to improve their behavior before the City takes more serious action, such as removal from the premises.

2. Suspension from the City Building

If a member of the public does not improve their behavior in response to an oral warning, the City will request the individual leave the premises for a short period and return. If the member of the public still does not improve their behavior upon return, the individual will be asked to leave the premises for the remainder of the day. This temporary suspension from City property allows the member of the public to assess what behavior change may be needed for that member of the public to engage respectfully with City staff.

3. Cease and Desist

If a member of the public does not improve their behavior in response to an official warning or suspension, the City will respond by sending a “cease-and-desist” letter. This letter will identify both the prohibited conduct and the City’s potential remedies. A “cease-and-desist” letter will put the member of the public on notice of the potentially serious consequences of their conduct.

Section C: Trespass Warnings Policy

Following the issuance of the Cease-and-Desist letter, should the member of the public engage in similar behavior as the behavior that resulted in the cease-and-desist letter being issued, the City will take additional steps to administratively “trespass” the member of the public consistent with this Section. The provisions herein are not to be confused with the ability of the Duvall Police Department to arrest and enforce criminal trespass laws or ordinances under applicable local, state and federal law.

1. Purpose, Authority and Applicability. The purpose of this Section of the Civility Policy is to adopt a legally sound process for excluding City Property individuals whose behavior is dangerous, unsafe, illegal or unreasonably disruptive to other members of the public or City staff pursuant to the Duvall Civility Policy. It is further the purpose of this policy to provide a specific method to allow for the issuance of trespass warnings to such individuals, including placing limitations on trespass warnings and providing procedures for individuals to promptly appeal the issuance of trespass warnings to protect their right to engage in legitimate activities protected by State and Federal constitutional law.
2. This policy is enacted to exercise the City’s authority to protect and preserve Duvall’s public health, safety and welfare.

3. This policy shall apply to all City-owned property in the City of Duvall. This Section shall not apply to public streets and sidewalks. Enforcement action shall only be taken for conduct violating the Civility Policy in the location where the conduct occurs, except that officers of the Duvall Police Department may take enforcement action based on violations of other city codes, state statutes and government rules or regulations.
4. This Section shall be enforced to emphasize voluntary compliance with laws and City policy so that inadvertent minor violations of this Section can be corrected without resorting to a trespass warning.
5. Issuance of Trespass Warning. Officers of the Duvall Police Department are authorized to issue a trespass warning to any individual who the officer has probable cause to believe has violated any section of this policy. Trespass warnings may be delivered in person to the individual or by first-class mail to the individual or the individual's last known address.
6. Duration of Exclusion. A trespass warning is generally no shorter than three months or longer than one year. The length of the trespass warning will be determined by the Chief of Police for the Duvall Police Department, taking into consideration the severity of the conduct, if the member of the public had been issued prior trespass warnings, and any other mitigating or aggravating factors.
7. Content of Trespass Warning. The trespass warning shall be in writing, shall contain the date of issuance, shall describe the behavior that is the basis for the trespass warning, shall specify the length and place(s) of exclusion, shall be signed by the issuing officer, and shall state the consequences for failure to comply.
8. Review Procedure. For good cause, the City Administrator, their designee, or any other government official responsible for the property in question may rescind, shorten or modify a trespass warning issued.
  - a. A written request for review of a trespass warning must be delivered to the City Clerk no later than seven (7) business days after it is issued.
  - b. The City Administrator, or their designee, shall review the request for review within three (3) business days of receipt and provide the member of the public a date and time to meet to review the trespass warning. A written submission explaining the "good cause" for rescinding, shortening or modifying a trespass is acceptable in place of a meeting.
  - c. For purposes of this Section, "good cause" is defined as:
    - i. Expressive conduct protected by the First Amendment;
    - ii. Member of the public did not receive an oral warning, suspension or cease-and-desist letter;
    - iii. Other circumstances warrant modifying or rescission the trespass warning. The City Administrator shall rescind the trespass warning if, considering all of the circumstances, they find that reasonable

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minds could differ on the question of whether the conduct in question violated the provisions of the Rules of Civility.

- d. The City Administrator shall issue a written decision within (5) days of the meeting or date of review of written materials. The City Administrator's decision will be the City's final decision.