

Delta Township Parks & Recreation Department

Criminal Background Check Policy for Youth Sports Coaches

Resolution

In order to preserve the safety and well being of youth participating in *Delta Township Parks & Recreation* programs, the following policy has been adopted requiring background screening for all volunteer youth sports coaches.

Implementation

Background checks are mandatory for all head coaches and assistant coaches beginning March 2006. Initially all coaches will be required to undergo a criminal background check prior to the beginning of the sport or season they coach. Each year all new coaches will be required to have a background check conducted prior to the beginning of the sport they coach. Coaches who continue to participate will be required to have a background check conducted every three (3) calendar years, prior to the beginning of the sport they coach. In addition, *Delta Township Parks & Recreation* will reserve the right to conduct random checks on at least 25% of all volunteers each year.

All coaches will be required to sign a written authorization form allowing Delta Township Parks & Recreation to order an individual criminal background check. All authorization forms must be turned in to the *Delta Township Parks & Recreation* office by the designated due date. Failure to provide a completed authorization form by the deadline will automatically disqualify the volunteer from coaching.

Background Screening Process

Upon receipt of the Consent/Release Form, the background screening includes all or a portion of the following:

Social Security Verification- This verifies the coach's name against the social security number provided. This helps to eliminate the possibility of false names and/or information.

Address Trace- This verifies the coach's current address and identifies previous addresses. This information is used to determine the jurisdiction in which the background screening is conducted.

State or County "Smart Check"- A Statewide or Countywide (depending on the jurisdiction) criminal record check is performed to capture all misdemeanor and felony convictions in that jurisdiction. Utilizing the "Smart Check" the search is conducted in the jurisdiction with the longest and most current residency.

Let's Check for America - Provides access through The National Background Directory™ to criminal data from 47 states where more than 75 percent of the nation's population lives (currently over 151 million records).

Michigan Criminal History Record Database (ICHAT) - Felony and Misdemeanor Arrest, Charge & Conviction information provided by Law Enforcement, Prosecuting Attorneys and Courts throughout the State of Michigan.

Sex Offender Registry - Search of State and/or County repositories for known sex offenders.

Delta Township Parks & Recreation will receive a Profile Report on each volunteer that is submitted. This profile will include all relevant information related to the background screening process. If there is no criminal record found, this will be noted on the profile along with the jurisdiction that was searched. If conviction(s) are found, all details including charges, court disposition(s), and sentencing will be provided. ***If the volunteer profile includes any of the disqualifications listed below, Delta Township Parks & Recreation will be notified immediately via telephone that the volunteer may be disqualified and, therefore not allowed to coach in the youth sports program.*** The individual who has been disqualified will receive written notification informing the individual of his/her disqualification and information on how to dispute the results of the profile and his/her right to appeal. Under no circumstances will a coach be considered if convicted of a crime that was one against children, involved violence, or was a sexual offense.

Disqualification

A person will be disqualified and prohibited from serving as a volunteer for Delta Township Parks & Recreation if he/she has been found guilty of the following crimes. Guilty means the individual was found guilty following a trial, entered a plea of guilty or nolo contendere, entered a no contest plea accompanied by court's finding of guilty, regardless of whether there was an adjudication of guilt (conviction) or a withholding of guilt or the record has been expunged. This policy does not apply if criminal charges resulted in acquittal or dismissal.

1. All sexual offenses, regardless of the amount of time since the offense. Examples include, but are not limited to:
 - Child molestation, rape, sexual assault, sexual battery, sodomy, prostitution, solicitation, indecent exposure.
2. All felonies that constitute offenses against the person, regardless of the amount of time since the offense. Examples include, but are not limited to:
 - Murder, manslaughter, aggravated assault, kidnapping, robbery, aggravated burglary.
3. Any crimes involving children, , regardless of the amount of time since the offense.
4. All offenses other than those against the person or sexual within the past 10 years. Examples include, but are not limited to:
 - Drug offenses, theft, embezzlement, fraud.
5. All misdemeanors that constitute offenses against the person within the past 7 years. Examples include, but are not limited to:
 - Simple assault, battery, domestic violence, hit & run.
6. All misdemeanor drug and alcohol offenses within the past 5 years or multiple of such offenses in the past 10 years. Examples include, but are not limited to:
 - Driving under the influence, simple drug possession, drunk and disorderly, public intoxication, possession of drug paraphernalia.
7. Any other misdemeanor with the past 5 years that could be considered a potential danger to children or is directly related to the functions of the applicant. Example of this is theft if the person is handling money.

In addition, applicants will be disqualified if they have:

8. Been adjudged liable for civil penalties or damages involving sexual or physical abuse of children.
9. Been subject to any court order involving sexual abuse or physical abuse of a minor, including but not limited to a domestic order or protection.
10. Had their parental rights terminated.

For offenses listed in numbers 4-7, prior to the time period noted, the staff may consider accepting the applicant on a case by case basis. Careful consideration will be given to the nature of the offense, the rehabilitation of the individual, and the offense as it relates to the position being applied for and the potential risk to children.

Appealing Decisions

Any coach denied by *Delta Township Parks & Recreation* may request an interview/review by the “Background Check Sub-Committee” which will consist of the *Delta Township Parks & Recreation*, Recreation Supervisor, the *Delta Township Parks & Recreation*, Recreation Director, and a representative from the Eaton County Sheriff Department to appeal the decision. The vote of the sub-committee regarding the appeal will be final.

How to Appeal

To appeal a decision, a person must file a notice of appeal. The notice of appeal must be mailed by registered mail to the Recreation Supervisor within 30 days of receiving the background check notification letter. A copy of the decision that is being appealed (e.g., the notification letter) should be included with the notice of appeal.

In order for the notice of appeal to be accepted, it must include:

1. The full name and address of the appellant.
2. The name of the person, if any, making the request for an appeal on behalf of the appellant (e.g., lawyer or spokesperson).
3. The address of the person making the request on behalf of the appellant.
4. The ground for the appeal (provide a detailed explanation of the appellant’s objections to the decision; describe additional facts or factual errors in the decision.)
5. The particulars relevant to the appeal (describe any background facts that relate to the appeal including how you are affected by the decision.)
6. A description of the relief requested (what do you want the Board to do at the end of the appeal.)
7. The signature of the appellant or the appellant’s representative.

Handling of Information

The Recreation Supervisor for *Delta Township Parks & Recreation* will administer the process of background checks. He/she will be responsible for providing the Consent/Release Forms, providing the received Consent/Release Forms to private investigation company (and reviewing all information received). ***All information received as a result of the screening process will be kept confidential. The results will not be disclosed to anyone other than the administrative staff of Delta Township Parks & Recreation and the appeal committee.***

Should information be found that would prevent a volunteer from being accepted, the *Delta Township Parks & Recreation*, Recreation Supervisor will be responsible for issuing any required written notices to the volunteer in a confidential manner. The volunteer is responsible for taking appropriate action to have the results of the criminal check report corrected if they believe information was reported in error.

The Recreation Supervisor is also responsible for securing the written results of the criminal background checks in a safe and secure location, and keeping them for the time period required by law, or six years, whichever is greater.

Should the background check indicate that a volunteer has criminal charges pending that fit the description of charges in our detailed infractions list; the volunteer may be rejected from coaching until there is a resolution of the charges. Should an approved volunteer subsequently have any criminal charges brought against him/her that are listed in the detailed disqualification list during their term of service to *Delta Township Parks & Recreation*, they will be required to immediately disclose the nature of the charges to the Recreation Supervisor and voluntarily terminate their coaching duties until a determination is made by *Delta Township Parks & Recreation* regarding the effect of the pending charges on the volunteer's functions within the program.

Non-waiver

Nothing in this policy shall be construed as a waiver or limitation of the discretion of *Delta Township Parks & Recreation* to disqualify an applicant for an employment or volunteer position when, in the sole opinion of *Delta Township Parks & Recreation*, such is in the interests of *Delta Township Parks & Recreation* or its program participants.