Advocacy Project: Alliance for Background Checks in Youth Sports

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Advocacy Project: Alliance for Background Checks in Youth Sports

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University of San Diego

Fall 2012
ABC Youth Sports
Safe at School, Safe on the Field
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Advocacy Project: Alliance for Background Checks in Youth Sports

Section 1
ABC Youth Sports
Introduction: 10 Step Process

I. Introduction

The Alliance for Background Checks in Youth Sports is a coalition of individuals, organizations, government agencies, and community businesses who advocate on the behalf of our communities’ youth and sports programs.

ABC Youth Sports asked California State Legislature to join the ranks of other states in their efforts to protect our children, and our community sports programs. We called for a state-wide policy—Safe at School, Safe on the Field—requiring all California youth sports league chapters to operate with the same background check requirements held by California public school sports programs.

Our campaign was based on Pat Libby’s, The Lobbying Strategy Handbook: 10 Steps to Advancing Any Cause Effectively (2012), and we have outlined this process here.

1. Identify an Issue

We started with a broad idea for a campaign issue: we wanted to do something that would help vulnerable populations. This includes the elderly, disabled, and children. Brainstorming several ideas and mapping them out on a large dry erase board, we were able to draft up several possible directions we could take with our campaign. We presented our ideas to Professors Libby and Wayne who were able to give us advice on what direction to go based on their past experience. We then chose to look into background checks for sport volunteers.

2. Research the Issue

There were several steps involved in the research, as what information had to be found changed as the campaign moved forward and became more specific. At first it was used to help identify the issue, then to figure out how the issue could be resolved through the revision of current laws and by seeing what other states where doing, and finally it was critical to find statistics and personal stories to create a strong case as to why the issue is important. The research was a difficult part of the process, as there is so much information available and it took a lot of time to decide what information would be more useful in making a compelling argument for the campaign.

3. Create a Fact Sheet
One simple and yet crucial part of the ten step process is creating a fact sheet. As Libby says, “The fact sheet is the most important piece of information you’ll need for your campaign because it is the CliffNotes(c) summary of the issues you care about so deeply.” The necessary elements of a successful fact sheet are: a campaign title, problem statement, footnoted documenting facts, proposed solution statement, human-interest stories or quotes, coalition or supporting organizations, and contact information.

After establishing the issue and completing some initial research to determine supporting facts for the problem, the first version of a fact sheet was created. The initial campaign name and visual layout was not an easy process because the fact sheet is created at the same time that branding begins and research continues. However, the information on the initial sheet was the very useful for the process because it helped orient the thought process for decisions.

The second draft was created after we had determined our campaign and coalition name and were able to design a logo. The problem and solution were explained in more detail and the research included more facts. The website domain, email, and phone number were created. Additional potential coalition members were identified. There was “strategic use” of boldface and boxes to make it “eye-catching” (Libby). It looked like a real fact sheet which could be shared with the public.

After some feedback and before the trip to Sacramento, the fact sheet was revised again to focus more on points that the legislators would find compelling. One important aspect of a fact sheet is making it easy for someone to read, keeping it organized with enough white space and having important pieces easily noticeable.

The final version added updates to the coalition and four individual names to the “contact us” section. This critical piece of information had been accidentally left off before.

4. Brand the Issue

It was important to create a brand that represented the issue and was consistent throughout all of the materials. One of the first steps was creating a logo and choosing colors that would be used on all marketing items. Once that was complete we were able to finalize the website, fact sheet, white paper and Facebook page. In addition, this was used for the creation of name tags, business cards and letterhead. Finally, a phone number and email address was created for all campaign communications.

5. Map Out Possible Supporters and Detractors
We anticipated the greatest opposition would come from small youth leagues or groups and legislators advocating on their behalf. It was supposed that they may be resistant to the logistical burden of obtaining background checks, the potential for invasion of privacy regarding the information resulting from background searches, and the cost assumed by the organization.

Lawyers’ groups, and perhaps families, were anticipated to oppose proposed liability protection or immunity for organizations that conducted background checks but were faced with incidences of coach abuse.

There was surprising bi-partisan support for the proposed legislation once we reached the Capitol. Also, leagues that already conducted background checks, such as National Little League and their local chapters, were very supportive. Some of our most enthusiastic responses came from legislators and community members who were volunteer coaches themselves.

6. Form a Coalition

Forming a coalition proved more difficult than we had originally hoped. Many groups, while supportive of the initiative, had to go through extensive bureaucratic processes before lending their support. We are still waiting on many organizations' final commitments.

We were also hesitant to create a coalition of “the usual suspects” of child abuse prevention groups. While their support will be vital to the ultimate success of this proposal, their involvement did not necessarily exemplify the full reach of the potential impact this legislation seeks.

Based on suggestions from some initial meetings with legislators, we extended more outreach specifically to the California Teachers Association and local law enforcement.

7. Develop Educational Materials

The next step involves “mobilizing and educating people” (Libby, p. 138). This is the time to develop materials that enable the word to spread even more. It is important to think about and address the variety of ways that people and organizations interact: talking about experience, writing letters, making phone calls, plugging into online resources and social media, and more. Our campaign contains a number of educational materials, some of which have been covered already.
The website was—and is—the main source of public access to our educational materials, such as fast facts, research information, and stories of abuse. Throughout the website there are links to download files of the most up-to-date documents. Information regarding the campaign status and research was shared with the public online via the website and Facebook and with coalition members and legislators via regular informative email messages. This online content was an avenue to “quickly educate” and convince people about the importance of our efforts (Libby).

Additional materials that we created were Frequently Asked Questions (FAQ) and Speaking Points. Each of these were created to help organize a thoughtful and poignant discussion with the public and legislators respectively. The FAQs was an attempt to distill the White Paper into a more accessible format for the public to easily understand various “answers” in an easy-to-find format. The idea was also to be able to reply to commonly asked questions that were not directly covered in the White Paper, but were things that individuals or legislators might be curious about. The Speaking Points was an outline to talk about who, why, and what. It was an easy reference point to remember to mention who we are in whole, not just the name. The next point was to give our personal perspective to make it real and relatable. That would then lead into the problem and the proposed solution with the key points of legislation. Preparation of these Speaking Points was part of the process to understand how to educate the public. Even if a person did not directly ask a question that led to one of the points, it was important to mention each one to make sure the person understood the overall picture and would be less likely to have lingering questions afterward.

8. Launch a Media Campaign

Once all the necessary materials were finalized and outreach had been done, a press release was created to inform the media of the campaign and our upcoming trip to Sacramento to lobby on the issue. This press release was distributed to several media and PR outlets in San Diego and online. Contact was also made to the San Diego Union Tribune for a possible article on the campaign. Upon return from Sacramento, another press release was created to share the results of the trip and the status of the campaign. This was distributed to the same media and PR contacts.

9. Approach Elected Officials

Researching legislators in the San Diego Districts included finding out who was where, as well as looking into their biographies and what types of bills that they had worked on previously. This proved to be challenging, since the November 2012 elections involved
many newly elected officials, but not a lot of updated websites. We were finally able to put together a list of possible legislative contacts, including branching out to other districts and their legislators who had served or would be serving on specific committees that may be relevant to our campaign. Legislators were contacted, via email or phone, and we were able to set up two local appointments and eleven appointments at the Capitol. In addition, we dropped off materials to several other legislators who were unable to meet with our group.

10. Monitor Progress on the Issue

After our visit to the Capitol, follow-up calls and emails to legislator’s offices are being conducted. We have several legislators interested in authoring or co-authoring our bill, and our information has already been sent to the legislative counsel for review. At this time, we are talking with legislators to make sure that the ideas for our bill will be maintained once it is presented to the legislature in early February.

II. Conclusion

Though overwhelming at times, the long hours of research and outreach resulted in a strong proposal. Following each step of the process helped break down the work into more accomplishable tasks. Furthermore, each step came together to build a solid campaign that others are now eager to stand behind and lend their name to as we move forward.
ABC Youth Sports
Campaign Timeline

1. Identify an Issue

   September 12, 2012 to November 21, 2012

2. Research the Issue

   September 26, 2012 to Present

3. Create a Fact Sheet

   Fact Sheet Version 1: November 7, 2012
   Fact Sheet Version 2: December 5, 2012
   Fact Sheet Version 3: December 26, 2012
   Fact Sheet Version 4: January 7, 2013
   Final Fact Sheet: January 15, 2013

4. Brand the Issue

   Logo Draft 1: November 24, 2012
   Logo Draft 2: November 30, 2012
   Logo Draft 3: December 11, 2012
   Final Logo: December 15, 2012
   Letterhead Complete: December 15, 2012
   Business Cards Complete: December 5, 2012
   Name Tags Complete: January 4, 2013

5. Map Out Possible Supporters and Detractors

   November 28, 2012

6. Form a Coalition

   November 28, 2012 to Present

7. Develop Educational Materials

   December 5, 2012 to Present
8. Launch a Media Campaign

Press Release 1: December 26, 2012
Press Release 2: January 13, 2013
Further Media Outreach: January 13, 2013 to Present

9. Approach Elected Officials

Outreach: November 19, 2012 to Present
Local Meeting: December 19, 2012
Sacramento Meetings: January 7, 2013

10. Monitor Progress on the Issue

January 7, 2013 to Present
ABC Youth Sports
Google Site Screenshots
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<th>Date</th>
<th>Author</th>
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<td>Lasky Purdon</td>
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<tr>
<td>Preventing Sexual Exploitation</td>
<td>Nov 26, 2012</td>
<td>Lasky Purdon</td>
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<td>Freeing Rights Change houses, <em>July 31, 12</em></td>
<td>Nov 26, 2012</td>
<td>Lasky Purdon</td>
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<tr>
<td>PERCIVAL STORY_California Pop Warner</td>
<td>Nov 26, 2012</td>
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</tr>
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</table>
ABC Youth Sports
Research Compilation

Facts:

• A youth sports study conducted by the Minnesota Amateur Sports Commission found that 3.4% of children said they had been pressured into sex or sexual touching by a coach or volunteer. http://www.nays.org/CMSContent/File/nays_community_recommendations.pdf
• 56% of those that sexually abuse a child are acquaintances of either the child or the family. http://www.d2l.org/site/c.4diCIJOkGCiSE/b.6250791/k.F566/Who_Abuses_Children.htm
• Many molesters establish a trusting relationship with the victim's family. http://www.d2l.org/site/c.4diCIJOkGCiSE/b.6250791/k.F566/Who_Abuses_Children.htm
• Many leagues have background check policies; however they seem to vary greatly. Only certain ones require annual checks, very few require a specific kind of background check and some only maintain the right to do background checks.
• The Volunteers for Children Act, signed into law in 1998, underscores the importance of preventative measures that must be taken by sports organizations with regard to abuse. Under this law, if a volunteer or employee of the organization sexually molest a while in his care – and it can be shown that the molester had been previously convicted of a relevant crime elsewhere in the U.S. – then the organization may be held liable for negligent hiring practices.
• Experts agree that municipalities and other youth sports providers are not altogether free from liability, even in jurisdictions where nonprofit immunity statutes may exist.
• The National Child Protection Act became law in 1993 and was amended in 1998 to allow organizations to use nationwide fingerprint-based criminal history checks.
• Stats on sports participation – need to contact for state breakdown http://www.nsga.org/i4a/pages/index.cfm?pageid=3346
• Child abuse states and possible coalition members: http://www.cncac.org/index.php?s=3113
• Who abuse children states and possible coalition: http://www.d2l.org/site/c.4diCIJOkGCiSE/b.6250791/k.F566/Who_Abuses_Children.htm
• Resource Guide on Preventing Child Abuse in Youth Sports: http://www.aafla.org/1gm/PreventChildAbuseResources_frmst.htm
• Article on Sexual Exploitation in Sports: http://safe4athletes.org/component/k2/item/94-sexual-exploitation-in-sports
• Information on AB 346 - which clarifies who in education is required to get a background check in schools and who is exempt: http://www.ctc.ca.gov/notices/coded/2010/1011.pdf
• Background checks - why they are needed and privacy: https://www.privacyrights.org/fs/fs16d-VolunteerScreening.htm
Paper on abuse of boys in sports in Canada:
https://docs.google.com/viewer?a=v&pid=sites&srcid=ZGVmYXVsdGRvbWFpbnxhZHvY2FjeTUXM3xneDoxYTMnJU0OGM3MWE2YzVm

US Abuse stats and offender characteristics:
https://docs.google.com/viewer?a=v&pid=sites&srcid=ZGVmYXVsdGRvbWFpbnxhZHvY2FjeTUXM3xneDoyMWRhODJhZTg5MGY4Yjc3

Stats on victims and abusers:
https://docs.google.com/viewer?a=v&pid=sites&srcid=ZGVmYXVsdGRvbWFpbnxhZHvY2FjeTUXM3xneDo0YWVlMTkyYWlyMTQwYTRj

Study on abuse in sports in Canada:
https://docs.google.com/viewer?a=v&pid=sites&srcid=ZGVmYXVsdGRvbWFpbnxhZHvY2FjeTUXM3xneDo3MDFkZDVkYTIwNTZhNDQ

Abuse insurance doc:
https://docs.google.com/viewer?a=v&pid=sites&srcid=ZGVmYXVsdGRvbWFpbnxhZHvY2FjeTUXM3xneDo2YjI5NTc3ZjdiNmgyMGU

Preventing the sexual exploitation of minors in youth-serving organizations, stats on abuse, abusers, abused:
https://docs.google.com/viewer?a=v&pid=sites&srcid=ZGVmYXVsdGRvbWFpbnxhZHvY2FjeTUXM3xneDo2OWVlNzEwOTRhoDUwNGQz

Liability of sports orgs:
https://docs.google.com/viewer?a=v&pid=sites&srcid=ZGVmYXVsdGRvbWFpbnxhZHvY2FjeTUXM3xneDpiZjViZDE5MWUyNGNjMGU

Census of Children in youth sports:
https://docs.google.com/viewer?a=v&pid=sites&srcid=ZGVmYXVsdGRvbWFpbnxhZHvY2FjeTUXM3xneDoyYjVlZmIzNzBjMmI2NDgy


Sports participation, including 80% done outside of school (not being checked) and stats on abuse: http://www.tnsoccer.org/Assets/organized+youth+sports+today.pdf

Increase from 2001 to 2011 in youth sports:
https://docs.google.com/viewer?a=v&pid=sites&srcid=ZGVmYXVsdGRvbWFpbnxhZHvY2FjeTUXM3xneDo3NGQ5NDA3NTQzZjc3NTZm

Amendment to 1993 Child Protection Act, HR 1360- would establish a permanent background check system which would be allowed by volunteers, but does not require them. The bill includes the following facts: 27% of volunteers in the US do so in schools or youth organizations totaling 16,500,000 adults; 88% of Americans favor granting youth service organization access to criminal records, in a 2002 survey it was found that 67.5% of released criminals are rearrested within 3 years; the Child Safety Pilot Program under section 108 of the Protect Act found that 6% of volunteer applicants of the 68,000 background checks performed had a criminal history of concern, including serious offenses; 41% of the offenses were in another state, so state only searches would not have found these offenses and 50% of those with criminal records did not indicate their crime on their volunteer application; “(k) LIMITATION ON LIABILITY.— “(1) IN GENERAL.— “(A) FAILURE TO CONDUCT CRIMINAL BACKGROUND CHECKS.—No participating entity shall be liable in an action for damages solely for failure to conduct a criminal background check on a covered individual. “(B) FAILURE TO TAKE ADVERSE ACTION AGAINST COVERED INDIVIDUAL.—No participating entity shall be liable in an action for damages solely for a failure to take action adverse to a covered individual upon receiving any notice of criminal history from the Attorney General or the criminal history review designee under subsection (d)(2)(F). Definitions: “(1) the term ‘background check designee’ means the entity or organization, if any, designated by or entering an agreement with the Attorney
General under subsection (b)(3)(A) to carry out or assist in carrying out the duties described in subsection (c); “(2) the term ‘child’ means an individual who is less than 18 years of age; “(3) the term ‘covered entity’ means a business or organization, whether public, private, for-profit, nonprofit, or voluntary that provides care, care placement, supervision, treatment, education, training, instruction, or recreation to children, including a business or organization that licenses, certifies, or coordinates individuals or organizations to provide care, care placement, supervision, treatment, education, training, instruction, or recreation to children;”(4) the term ‘covered individual’ means an individual—“(A) who has, seeks to have, or may have unsupervised access to a child served by a covered entity; and “(B) who—“(i) is employed by or volunteers with, or seeks to be employed by or volunteer with, a covered entity; or “(ii) owns or operates, or seeks to own or operate, a covered entity; https://docs.google.com/viewer?a=v&pid=sites&srcid=ZGVmYXVsdGRvbWFpbnxhZHvY2FjeTUxM3xneDoxZGM4MWU4YjIzYWRhY2Fk

- See the three 1360 Fact Sheets/Discussion Points for more information on the proposed bill above, including facts and possible coalition members. https://docs.google.com/viewer?a=v&pid=sites&srcid=ZGVmYXVsdGRvbWFpbnxhZHvY2FjeTUxM3xneDozMWQxOWI0NzczYTkzMGRk, https://docs.google.com/viewer?a=v&pid=sites&srcid=ZGVmYXVsdGRvbWFpbnxhZHvY2FjeTUxM3xneDozMzczZjYyOGQxYTg0NzQ3, https://docs.google.com/viewer?a=v&pid=sites&srcid=ZGVmYXVsdGRvbWFpbnxhZHvY2FjeTUxM3xneDo1ZDdkNjI3ODBInzM2ODkx
- U.S. Puts Limits On Employee Background Checks To Protect Minorities http://jobs.aol.com/articles/2012/04/26/eeoc-issues-updated-guidance-on-employee-background-checks/
- State and Federal background check requirements: http://childcareaware.org/child-care-providers/management-plan/background-screenings

Definitions:

- Child Abuse: Verbal abuse (ridicule or put-downs), physical abuse (any hurting touching or excessive exercise used as punishment), emotional abuse (threats to perform unreasonable tasks), and sexual abuse.
- Sexual Abuse: Refers to a wide spectrum of interactions including rape, physical assault, sexual battery, unwanted physical sexual contact, unwelcome sexually explicit or offensive verbal communication, coercive or exploitive sexual contact, verbal sexual harassment, and/or sexualized attention or contact with a minor.
- Conduct Official: Single person within the league who is appointed by the board to administer the Simplified Child Abuse/Molestation Risk Management Program. The Conduct Official is responsible for education, reviewing Volunteer Applications, checking references, conducting criminal background checks, handling appeals from disqualified candidates, conducting investigations on allegations of abuse, acting as liaison to local law enforcement, etc.
• Volunteer: Citizens who perform the various functions entailed in the running of a league without pay including league officers and directors, committee personnel, coaches, managers, umpires, scorekeepers, concession workers, etc.
• http://www.sadlersports.com/riskmanagement/sports-insurance-ca.html

Education Code

• Department of Justice Background Check Report
• IRS Definition of Youth Sports Leagues - For Nonprofit Status
  http://www.t-tlaw.com/sc-11.htm
• CA Definition of a Minor
  http://www.leginfo.ca.gov/cgi-bin/displaycode?section=fam&group=06001-07000&file=6500-6502
• CA Definition of Sports - None Found
  There are definitions of Athletic Programs, but they apply to specific types of teams
  http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_2051-2100/ab_2079_cfa_20100404_135638_asm_comm.html
• Disqualifying offenses for volunteers in CA education
  http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0001-0050/ab_13_cfa_20120626_094447_sen_comm.html

Possible Coalition Members & Supporters:

• Prevent Child Abuse America:
  http://www.preventchildabuse.org/chapters/statecontact.cfm?stateabbrev=ca
• Childrens Bureau: http://www.acf.hhs.gov/programs/cb/focus-areas/child-abuse-neglect
• California Coalition Against Sexual Assault
• National Alliance for Youth Sports
• American Legion
• National Recreation and Park Association
• American Humane Association
• Darkness to Light
• Help with coalition: http://www.cordeliaanderson.com/Consultations

Opponents’ argument

• http://www.freerangekids.com/background-checks-for-school-volunteers-helpful-or-the-opposite/
• Interesting marshal wanted list about a person with a warrant out, but no record that would come up on a background check
  http://www.justice.gov/marshals/investigations/most_wanted/gaston/gaston.htm

Why Background Checks Matter:
• Norman Watson, a Little League coach in San Bernardino, California, was sentenced to 84 years in prison after pleading guilty to 39 counts of lewd h with five children that occurred during the 1990s. But this didn’t have to happen: Unknown to the parents or league - which did not conduct a proper background check on the coach - Watson was serving probation during his time as coach for a 1980 molestation offense, and had also previously undergone treatment in two state mental facilities for child molestation. [http://www.flyfcfl.com/doclib/Volunteer_Screening_Document_2-06_3_.pdf]

• 36 swimming coaches who have been banned for life by USA Swimming because of sexual misconduct with youth female swimmers. [http://calcasa.org/calcasa/preventing-sexual-abuse-in-youth-sports/]

• 159 coaches in the state of Washington have been fired or reprimanded for sexual misconduct ranging from harassment to rape. At least 98 of those coaches continued to coach or teach somewhere else. [http://calcasa.org/calcasa/preventing-sexual-abuse-in-youth-sports/]

• Of the 10,436 profiles submitted by municipalities last year to the National Recreation and Park Association’s TLC2 volunteer-screening program, nearly one in 10 people were found to have criminal records. And nearly 40 percent of those people were discovered to have committed an offense that, under the program’s standards, precluded them from coaching children. Those "disqualifying offenses" included serious drug and alcohol convictions (114), violent offenses (106), various other felonies (71), recent misdemeanors (49) and even sex crimes (11). [http://www.athleticbusiness.com/articles/article.aspx?articleid=3585&zoneid=14]

• Story of the San Bernadino man that pled guilty to 39 lewd acts against children that he met through Little League. Also includes other stories of abuse in other states. [http://sportsillustrated.cnn.com/features/cover/news/2000/04/14/nack_nightmare/]


• Department of Justice Child Exploitation and Obscenity Department, can search for stories of bad coaches: [http://www.justice.gov/criminal/ceos/index.html]

• Learning Lessons from Men Who Have Sexually Abused Children, stories of how abusers got to children: [https://docs.google.com/viewer?a=v&pid=sites&srcid=ZGVmYXVsdGRvbWFpbmNhbHN4ZmVjY3luc3NhOGU0]


• School coach fired for smoking pot with students: [http://www.huffingtonpost.com/2012/06/26/pedro-cruz-trujillo-coach-marijuana-video_n_1627856.html]

• [http://www.supreme.courts.state.tx.us/ebriefs//11/11034804.pdf Doe V. Boys Club of Greater Dallas, Inc (court case, 2012) Boys Club further protects organizations that neglect to conduct a background check. In Boys Club, sexual abuse victims sued the local Boys Club for negligently permitting Boyd Ray Mullens to volunteer. Mullens had been convicted of driving while intoxicated and was ordered by the court to perform sixty hours of community service, which he chose to serve at the Boys Club. The Boys Club did not, in any manner, screen Mullens before accepting him as a volunteer, although it was aware that he]
was volunteering by court order. While volunteering, Mullens met the plaintiffs, three young boys, who did not know Mullens' reasons for volunteering. On several occasions, Mullens took the boys on camping and fishing trips, which were not Boys Club activities, where he sexually abused them. The plaintiffs claimed Boys Club was liable for negligence, because it failed to perform a background check before accepting Mullens as a volunteer.

The trial court granted summary judgment for the Boys Club. The Court of Appeals affirmed, holding that the Boys Club had breached its duty to exercise reasonable care when selecting workers, but that the breach of duty was not the proximate cause of the plaintiffs' injuries. The Texas Supreme Court affirmed.

In examining proximate cause, the Court looked at two elements: cause in fact and foreseeability. The Court found that Boys Club's failure to perform a background check, although a breach of duty, was not cause in fact of the sexual abuse. The failure was not a "substantial factor in bringing about injury," as the injury likely would have occurred without the omission.

Furthermore, Mullens' presence at the Club was "but a preliminary condition" that led to eventual sexual abuse of the plaintiffs. In addition, Boys Club's failure to screen was not cause in fact to plaintiffs' injuries because the abuse occurred in situations where the Club was not responsible for supervising Mullens. The Court also found the sexual abuse was not foreseeable because Mullens' criminal record, which contained two DWI offenses, would have in no way led Boys Club to reasonably anticipate he would sexually abuse young boys.

Boys Club further protects organizations from civil liability by establishing that for a sexually abused to plaintiff to recover, an organization not only must have a duty to conduct a background check and a fail to do so, but that omission must be the clear cause in fact of foreseeable injury.

**Legal Cases:**

- $2.1 million settlement for a teenage girl who was manipulated into a sexual relationship with her coach http://pview.findlaw.com/sexual-abuse---plaintiff-attorney/ca/los-angeles/NDUxOTE3MV8x/FP
- $1.5 million lawsuit against rec center for abuse from coach. Moved to CA from another state where he was abusing. http://www.ssci2000.com/News-and-Articles/million-dollar-sex-assault-lawsuit-against-a-park-recreation-department.html
Those States That Have Already Made a Change:

- Minnesota
- Florida
- Oregon
- Ohio
Alliance for Background Checks in Youth Sports
619-777-6786 • info@abcyouthsports.org • www.ABCYouthSports.org

Safe at School, Safe on the Field

White Paper

Updated February 27, 2013
EXECUTIVE SUMMARY

Problem:

Lack of background checks allow individuals with criminal histories, including violent crimes and crimes against children, to obtain and hold coaching positions in our local sports leagues. People with questionable backgrounds have access to hundreds of youth in their care, and can endanger these vulnerable members of our communities.

In addition, irregularity in policies over background checks render the umbrella leagues, as well as the local chapters of these leagues, vulnerable to charges of liability—not simply the coaches and volunteers in question.

While most leagues encourage conducting background checks for all adults who work with youth, there is little to no enforcement or accountability, and the extent of the background checks vary widely.

Solution:

Alliance for Background Checks in Youth Sports (ABC Youth Sports) is asking the California State Legislature to join the ranks of other states in their efforts to protect our children and our community sports programs. We are calling for a “Safe at School, Safe on the Field” statewide policy requiring all California youth sports league chapters to operate with the same background check requirements held by California public school sports programs.

Advantages:

Protecting our Children:

☐ Increases safety of youth, whether they participate in school sports or community sports

☐ Ensures that all volunteer coaches are held to the same standards, and our youth are equally safe in whichever league they participate

Protecting our Community Sports Programs:

☐ Reduces the liability of individual leagues, league chapters, city/county parks and recreation programs, faith based sports leagues, or other related organizations

☐ Protects the good standing of individual leagues within their communities and nationally

☐ Consistency in background checks helps maintain a base cost

I. BACKGROUND

a) Youth Sports Leagues

The term Youth Sports League in this paper is based on the definition by Baker, Connaghton, and Thang (2010) and refers to any formally incorporated recreational youth sport organization
or program that exists outside of an educational or school setting. Examples include Little League Baseball and Softball, Pop Warner Little Scholars, and local/regional community-based youth sports programs, such as church, municipal, park and recreation departments, etc. Safe at Home, Safe on the Field implements background checks of sports coaches and other individuals acting in a volunteer capacity.

b) Youth Sports participation

There are 44 million youth estimated to be participating in private sports organizations nationwide. These organizations utilize 7.3 million volunteers and coaches (Baker et al, 2010). California is the most populous state with approximately 12% of the country’s residents (U.S. Census Bureau, 2010). Based on this, the state is likely to have over 5 million youth athletes with over 875,000 volunteers and coaches.

c) Abuse

The greatest concern, and the gravest fear, is over the actions of pedophiliac sexual predators and sexual abuse against the youth in their care.

Studies show that 56% of those that sexually abuse a child are acquaintances of either the child or family and many molesters establish a trusting relationship with the victim’s family (Darkness to Light, 2012).

A study done under the U.S. Department of Health and Human Services found that approximately 90,000 cases of child sexual abuse are confirmed in the U.S. each year (Levenson and D'Amora, 2007).

Despite the seriousness of the abuse, the average molestation victim fails to report it—therefore these numbers are estimated to be much lower than the actual instances of abuse. One analysis found that police only discover 3% of all cases (Preston, 2006).

A study conducted by the Minnesota Amateur Sports Commission found that 3.4% of children involved in youth sports said they had been pressured into sex or sexual touching by a coach or volunteers and 8% said they had been called names with sexual connotations (National Alliance for Youth Sports, 2012). Again, these numbers are thought to be very conservative because not many children are willing to admit to their abuse.

In addition to molestation, other concerns in regard to coaches include: physical violence against youth, issues of gambling, drug use and distribution, as well as histories of driving under the influence and other child endangerment. The youth sports survey referenced above also found that 17.5% of children involved in youth sports said they had been hit, kicked, or slapped (National Alliance for Youth Sports, 2012).

d) Current Background Check Requirements in Youth Sports Organizations

There are currently no formal legal requirements for youth sports organizations in regard to background checks. However, the National Child Protection Act that became law in 1993 was amended in 1998 to allow organizations to use nationwide fingerprint-based criminal history checks to encourage and permit sports organizations to obtain this information (H.R. 1360, 2011).
The primary goal of Safe at School, Safe on the Field is to protect California’s youth from potentially harmful adults who gain access to vulnerable populations through their volunteer involvement with community sports leagues. Federal and state laws have been passed granting organizations the power to obtain criminal background checks for volunteers, including those in youth sports leagues. Numerous recommendations have been made by sports leagues and sports league allies, encouraging background checks of their volunteers as a best practice. For example, both the National Little League website and American Youth Soccer Organization (2009) recommend background checks that are processed through their national headquarters. This provides access to background checks for local chapters in states that have yet to pass legislation allowing small organizations to access background checks for volunteers.

Both organizations

- have very clear recommendations that background checks should be done annually
- provide information and links to sex offender registries and departments of justice
- outline the differences between the types of background checks
- offer detailed lists of disqualifying crimes that may appear on a background check

Furthermore, the National Alliance for Youth Sports (2012a) has issued a white paper offering sports organizations unifying standards for background checks.

However—whether as a national league, a local chapter, or as an alliance—enforcement of said recommendations is not outlined. While national leagues recommend background checks; at this point there is little discussion of how to ensure that local leagues comply with suggested practices.

e) Background Check Findings

The bad news is that few leagues are conducting thorough background checks. The good news is that in many situations a background check would reveal valuable information that could prevent people with questionable backgrounds gaining volunteer coaching positions and prevent repeat offenses.

The Child Safety Pilot Program found that 6% of volunteer applicants of the 68,000 background checks performed, had a "criminal history of concern"—including serious offenses. Of these, 41% of the offenses were in another state, in which state-only background searches would not have found these offenses. Additionally, 50% of those with criminal records did not include their crime on their volunteer application (H.R. 1360, 2010).

While nearly one in 10 of the 10,436 profiles submitted by municipalities in to the National Recreation and Park Association’s volunteer-screening program were found to have criminal records, nearly 40% of those records were discovered to have committed “disqualifying offenses” for coaching children. The offenses included “serious drug and alcohol convictions (114), violent offenses (106), various other felonies (71), recent misdemeanors (49) and even sex crimes (11)” (Brown, 2010).
In Washington State alone, 159 coaches “have been fired or reprimanded for sexual misconduct ranging from harassment to rape… At least 98 of those coaches continued to coach or teach somewhere else” (Willmsen and O’Hagen, 2003).

f) Case Study: Norman Watson

Norman Watson, a Little League coach in San Bernardino, California, was sentenced to 84 years in prison after pleading guilty to 39 counts of lewd acts with five children that occurred during the 1990s.

Unknown to the parents or the local league—which did not conduct proper background checks on the coach—Watson was serving probation during his time as coach for a 1980 molestation offense, and had also previously undergone treatment in two state mental facilities for child molestation. Watson admits to abusing over 100 youth in his time as a baseball coach (Nack and Yaeger, 2009).

When brought to court, the National Little League was not held liable for Watson’s actions, but the local league that hired him was liable (Baker, 2007).

II. CURRENT SITUATION

a) Liability

The secondary goal of Safe at School, Safe on the Field, is to protect our community sports leagues from damages incurred if someone with questionable character harms youth through their involvement with the league. Most states have volunteer liability protection; however this is most often specific to nonprofit organizations. Most states’ volunteer liability legislation does not cover volunteers in sports leagues, or explicitly does not cover sports leagues, and some are ambiguous in their coverage of leagues. Under current law, California does not provide liability protection to its local sports organizations under its volunteer liability legislation (Baker, 2010).

The primary reason local sports leagues are brought to court, and found liable for the actions of their volunteers, is on the basis of negligent hiring practices. In these situations, the national, or umbrella league is not held liable for the actions of the volunteer, but the local league is (Baker, 2007). As was the situation with the aforementioned case study of Norman Watson.

b) Other States’ Actions

While California has lead with efforts to make background checks available to people volunteering with children, other states have taken this up, and gone further to address the specific issue of volunteers in youth sports leagues.

- New Jersey: 2012-2013 pending legislation calls for mandatory background checks for volunteer sports officials.

- Ohio: State law since 2001 encourages youth organizations to require background checks, but has no regulatory authority. It doesn’t mandate fingerprint checks, but says doing so holds the organization using them immune from civil liability should a volunteer harm a child (Cleveland Metroparks, 2012).
Minnesota: A 2008 law made background checks mandatory for volunteers who work with children, the elderly and disabled or other vulnerable populations (Schweers, 2009; Minnesota Statutes, 2012).

Florida: The State Senate passed legislation under Bill 0150 in 2010 that “Requires the independent sanctioning authority of a youth athletic team to screen the background of current and prospective athletic coaches through designated state and federal sex offender registries.”

Oregon: A 2001 state law “encouraged” and “authorized” background checks for volunteers working with children, but it does not impose any additional duty or liability on any youth sports provider if they do not perform a duty that is encouraged by ORS (Oregon Revised Statutes).

III. ABC YOUTH SPORTS PROPOSAL

a) Safe at School, Safe on the Field

• Safe at School, Safe on the Field would be based on California Education Code’s standards and processes for background check requirements.

• Provisions as to what revealed background information would disqualify someone from assuming a position in a sports league should be taken from Ed Code standards, current sports league recommendations, and hiring best practices.

• Mandated background checks for volunteer sports officials can be based on New Jersey’s pending legislation language.

• Local sports organizations’ liability protection will mirror Ohio’s liability language.

• Under Safe at School, Safe on the Field if a local sports organization performs the mandated background checks and accepts volunteers according to the outlined qualifications, the local league would have protection from negligent hiring liability if that hired volunteer harms a youth in his or her care. Safe at School, Safe on the Field would not protect against vicarious liability or negligent retention.

b) Enforcement

Liability protection will serve as the legislation’s built-in enforcement. Organizations who do not conduct background checks are assuming the possible liability for actions of their volunteers and have limited protection if taken to court.

c) Costs

i. Cost to State

• Costs to the state of California should be minimal, beyond the Department of Justice’s operating costs to run criminal background checks.
• Safe at School, Safe on the Field could potentially be a source of revenue for the state with increased use and purchase of background check services.

ii. Cost to Leagues

• Under Safe at School, Safe on the Field, in its accordance with the California Education Code, only one volunteer per team would be mandated to receive a background check—thereby keeping costs to leagues at a minimum.

• The average cost of a California Department of Justice background check is estimated to be $50 (California Department of Justice, Application for Authorization Pursuant to Penal Code Section 11105.3)

• The $50 fee for a Department of Justice background check could potentially save leagues money, because if changes to a criminal record occur the organization will receive alerts for the duration of the volunteer’s involvement with the league. This can also encourage volunteer retention over time.

iii. Impact of Cost on Leagues

Sports leagues currently running background checks for their volunteer coaches have funded the safety fees in several ways:

• Additional fee for each youth participating, often included in general registration fees

• Accounting for this expense during traditional, regularly scheduled team fundraisers like bake sales, candy bar sales, events, raffles, car washes, etc

• Including the additional $50 as a part of the community business sponsorship package

• Requiring volunteer coaches cover the costs as found in common practices of many employers

• Some leagues have accessed funding through grants to cover the costs of background checks

It is important to recognize how much a sports organization can save in paying for consistent background checks when compared to the costs of court and lawyers’ fees if brought to court, even if the organization is not found liable.

Quotes:

"You made my life a wreck!"
“"I didn’t want people finding out what was happening... I didn’t know what to say... He was my coach!... I was embarrassed about it... I’m still embarrassed about it.”

~ 13-year-old victim (Nack and Yaeger, 2009)
"You scared these kids, took advantage of their innocence and suffocated them so they would not tell on you."

~ Parent of a victim (Nack and Yaeger, 2009)

“Almost every week we see cases of sexual abuse coming up in sports... Organisations are going to be encountering this, whether they like it or not. Even if they do have the best training or preparation, these incidents are going to happen. The question is, are you prepared to deal with this when it occurs in your organization?”

~ Gil Fried
Risk management consultant and chair of the Sport/Hospitality and Tourism Management Department at the University of New Haven College of Business (Brown, 2010)

“It’s one of these issues where, if I’m a defense lawyer, I have to realize it doesn’t really matter how reasonably my clients acted, because what the jury is going to see is a hurt little kid, and they’re not going to like it... Unless I can say that they did a comprehensive background check and it came back clean, the jury is not going to like my story.”

“I had to get fingerprinted and checked... It was a complete hassle, but it was absolutely the right thing to do... It’s close to a completely indefensible position for the park and rec agency if they don’t take the time to do this.”

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References


Little League, Local League Background Check Information. Retrieved from website December 5, 2012: http://www.littleleague.org/learn/programs/childprotection/LocalLeagueBackgroundChecks.htm


National Alliance for Youth Sports, Recommendations for Communities, developed through the National Summit on Raising Community Standards for Youth Sports. Retrieved from website December 5, 2012: http://www.nays.org/CMSContent/File/nays_community_recommendations.pdf


Safe at School, Safe on the Field

White Paper

January 6, 2013
EXECUTIVE SUMMARY

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In addition, irregularity in policies over background check render the umbrella leagues, as well as the local chapters of these leagues, vulnerable to charges of liability--not simply the coaches and volunteers in question.

While most leagues encourage conducting background checks for all adults who work with youth, there is little to no enforcement or accountability, and the extent of the background checks vary widely.

Solution:

Alliance for Background Checks in Youth Sports (ABC Youth Sports) is asking California State Legislature to join the ranks of other states in their efforts to protect our children and our community sports programs. We are calling for a “Safe at School, Safe on the Field” statewide policy requiring all California youth sports league chapters to operate with the same background check requirements held by California public school sports programs.

Advantages:

Protecting our Children:

✓ Increases safety of youth, whether they participate in school sports or community sports

✓ Ensures that all volunteer coaches are held to the same standards, and our youth are equally safe in whichever league they participate

Protecting our Community Sports Programs:

✓ Reduces the liability of individual leagues, league chapters, city/county parks and recreation programs, faith based sports leagues, or other related organizations

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✓ Consistency in background checks helps maintain a base cost

I. BACKGROUND

a) Youth Sports Leagues

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Safe at Home, Safe on the Field implements background checks of sports coaches and other individuals acting in a volunteer capacity.

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In addition to molestation, other concerns in regard to coaches include: physical violence against youth, issues of gambling, drug use and distribution, as well as histories of driving under the influence and other child endangerment. The youth sports survey referenced above also found that 17.5% of children involved in youth sports said they had been hit, kicked, or slapped (National Alliance for Youth Sports, 2012).

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Little League, Local League Background Check Information. Retrieved from website December 5, 2012: http://www.littleleague.org/learn/programs/childprotection/LocalLeagueBackgroundChecks.htm


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Studies show that 56% of those that sexually abuse a child are acquaintances of either the child or family and many molesters establish a trusting relationship with the victim’s family (Darkness to Light, 2012).

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Despite the seriousness of the abuse, the average molestation victim fails to report it—therefore these numbers are estimated to be **much lower** than the actual instances of abuse. One analysis found that police only discover 3% of all cases (Preston, 2006).

A study conducted by the Minnesota Amateur Sports Commission found that 3.4% of children involved in youth sports said they had been pressured into sex or sexual touching by a coach or volunteers and 8% said they had been called names with sexual connotations (National Alliance for Youth Sports, 2012). Again, these numbers are thought to be very conservative because not many children are willing to admit to their abuse.

In addition to molestation, other concerns in regard to coaches include: physical violence against youth, issues of gambling, drug use and distribution, as well as histories of driving under the influence and other child endangerment. The youth sports survey referenced above also
found that 17.5% of children involved in youth sports said they had been hit, kicked, or slapped (National Alliance for Youth Sports 2012).

d) Current Background Check Requirements in Youth Sports Organizations

There are currently no formal legal requirements for youth sports organizations in regard to background checks. However, the National Child Protection Act that became law in 1993 was amended in 1998 to allow organizations to use nationwide fingerprint-based criminal history checks to encourage and permit sports organizations to obtain this information (H.R. 1360, 2011).

The primary goal of Safe at School, Safe on the Field, is to protect California's youth from potentially harmful adults who gain access to vulnerable populations through their volunteer involvement with community sports leagues. Federal and state laws have been passed granting organizations the power to obtain criminal background checks for volunteers, including those in youth sports leagues. Numerous recommendations have been made on the part of sports leagues and sports league allies, encouraging background checks of their volunteers as a best practice.

For example, both the National Little League website and American Youth Soccer Organization (2009) recommend background checks that are processed through their national headquarters. This provides access to background checks for local chapters in states that have yet to pass legislation allowing small organizations to access background checks for volunteers. Both organizations

- have very clear recommendations that background checks should be done annually
- provide information and links to sex offender registries and departments of justice
- outline the differences between the types of background checks
- offer detailed lists of disqualifying crimes that may appear on a background check

Furthermore, the National Alliance for Youth Sports (2012) has issued a white paper offering sports organizations unifying standards for background checks.

However—whether as a national league, a local chapter, or as an alliance—enforcement of said recommendations is not outlined. While national leagues recommend background checks; at this point there is little discussion of how to ensure that local leagues comply with suggested practices.

e) Background Check Findings

The bad news is that few leagues are conducting thorough background checks. The good news is that in many situations a background check would reveal valuable information that could prevent people with questionable backgrounds gaining volunteer coaching positions and prevent repeat offenses.
The Child Safety Pilot Program found that 6% of volunteer applicants of the 68,000 background checks performed, had a “criminal history of concern”—including serious offenses. Of these, 41% of the offenses were in another state, in which state-only background searches would not have found these offenses. Additionally, 50% of those with criminal records did not include their crime on their volunteer application (H.R. 1360, 2010).

While nearly one in 10 of the 10,436 profiles submitted by municipalities in to the National Recreation and Park Association's volunteer-screening program were found to have criminal records, nearly 40% of those records were discovered to have committed “disqualifying offenses” for coaching children. The offenses included “serious drug and alcohol convictions (114), violent offenses (106), various other felonies (71), recent misdemeanors (49) and even sex crimes (11)” (Brown, 2010).

In Washington State alone, 159 coaches “have been fired or reprimanded for sexual misconduct ranging from harassment to rape… At least 98 of those coaches continued to coach or teach somewhere else” (Willmsen and O’Hagen, 2003).

d) Case Study: Norman Watson (based on Mika’s recommendation I moved this from the end of the liability section for emphasis)

Norman Watson, a Little League coach in San Bernadino, California, was sentenced to 84 years in prison after pleading guilty to 39 counts of lewd acts with five children that occurred during the 1990s.

Unknown to the parents or the local league—which did not conduct proper background checks on the coach—Watson was serving probation during his time as coach for a 1980 molestation offense, and had also previously undergone treatment in two state mental facilities for child molestation. Watson admits to abusing over 100 youth in his time as a baseball coach (Nack and Yaeger, 2009).

When brought to court, the National Little League was not held liable for Watson’s actions, but the local league that hired him was brought to court with charges of liability (Baker, 2007).

II. CURRENT SITUATION

a) Liability

The secondary goal of Safe at School, Safe on the Field, is to protect our community sports leagues from damages incurred if someone with questionable character harms youth through their involvement with the league. Most states have volunteer liability protection; however this is most often specific to nonprofit organizations. Most states’ volunteer liability legislation does not cover volunteers in sports leagues, or explicitly does not cover sports leagues, and some are
ambiguous in their coverage of leagues. Under current law, California does not provide liability protection to its local sports organizations under its volunteer liability legislation (Baker, 2010).

The primary reason local sports leagues are brought to court, and found liable for the actions of their volunteers, is on the basis of negligent hiring practices. In these situations, the national, or umbrella league is not held liable for the actions of the volunteer, but the local league is (Baker, 2007). As was the situation with the aforementioned case study of Norman Watson.

b) Other States’ Actions

While California has lead with efforts to make background checks available to people volunteering with children, other states have taken this up, and gone further to address the specific issue of volunteers in youth sports leagues.

- **New Jersey**: 2012-2013 pending legislation calls for mandatory background checks for volunteer sports officials.

- **Ohio**: State law since 2001 encourages youth organizations to require background checks, but has no regulatory authority. It doesn't mandate fingerprint checks, but says doing so holds the organization using them immune from civil liability should a volunteer harm a child (Cleveland Metroparks, 2012).

- **Minnesota**: A 2008 law made background checks mandatory for volunteers who work with children, the elderly and disabled or other vulnerable populations (Schweers, 2009).

- **Florida**: The State Senate passed legislation under Bill 0150 in 2010 that “Requires the independent sanctioning authority of a youth athletic team to screen the background of current and prospective athletic coaches through designated state and federal sex offender registries.”

- **Oregon**: A 2001 state law “encouraged” and “authorized” background checks for volunteers working with children, but it does not impose any additional duty or liability on any youth sports provider if they do not perform a duty that is encouraged by ORS (Oregon Revised Statutes).

III. ABC YOUTH SPORTS PROPOSAL

a) Safe at School, Safe on the Field

- *Safe at School, Safe on the Field* would be based on California Education Code’s standards and processes for background check requirements.

- Stipulations as to what revealed background information would disqualify someone from assuming a position in a sports league should be taken from Ed Code standards, current sports league recommendations, and hiring best practices.
Mandated background checks for volunteer sports officials can be based on New Jersey’s pending legislation language.

Local sports organizations’ liability protection will mirror Ohio’s liability language.

Under Safe at School, Safe on the Field if a local sports organization performs the mandated background check and hires according to the outlined qualifications, if the hired volunteer harms a youth in his or her care, the local league would have protection from negligent hiring liability. Safe at School, Safe on the Field would not protect against vicarious liability or negligent retention.

b) Enforcement

Liability protection will serve as the legislation’s built-in enforcement. Organizations who do not conduct background checks are assuming the possible liability for actions of their volunteers and have limited protection if taken to court.

c) Costs

1. Cost to State

- Costs to the state of California should be minimal, beyond the Department of Justice’s operating costs to run criminal background checks.
- Safe at School, Safe on the Field could potentially be a source of revenue for the state with increased use and purchase of background check services.

2. Cost to Leagues

- Under Safe at School, Safe on the Field, in its accordance with the California Education Code, only one volunteer per team would be mandated to receive a background check--thereby keeping costs to leagues at a minimum.
- The average cost of a California Department of Justice background check is estimated to be $50 (California Department of Justice, Application for Authorization Pursuant to Penal Code Section 11105.3)
- The $50 fee for a Department of Justice background check could potentially save leagues money, because if changes to a criminal record occur the organization will receive alerts for the duration of the volunteer’s involvement with the league. This can also encourage volunteer retention over time.

3. Impact of Cost on Leagues

Sports leagues currently running background checks for their volunteer coaches have funded the safety fees in several ways:
• Additional fee for each youth participating, often included in general registration fees
• Accounting for this expense during traditional, regularly scheduled team fundraisers like bake sales, candy bar sales, events, raffles, car washes, etc
• Including the additional $50 as a part of the community business sponsorship package
• Requiring volunteer coaches cover the costs as found in common practices of many employers
• Some leagues have accessed funding through grants to cover the costs of background checks

It is important to recognize how much a sports organization can save in paying for consistent background checks when compared to the costs of court and lawyers’ fees if brought to court, even if the organization is not found liable

Quotes:

"You made my life a wreck,"
~ 13-year-old victim
Nack, William and Yaeger, Don 2009)

“I didn’t want people finding out what was happening… I didn’t know what to say… He was my coach!… I was embarrassed about it… I’m still embarrassed about it.”
~ 13-year-old victim
Nack, William and Yaeger, Don 2009)

"You scared these kids, took advantage of their innocence and suffocated them so they would not tell on you,"
~ Parent of a victim
(Nack, William and Yaeger, Don 2009)

“Almost every week we see cases of sexual abuse coming up in sports… Organizations are going to be encountering this, whether they like it or not. Even if they do have the best training or preparation, these incidents are going to happen. The question is, are you prepared to deal with this when it occurs in your organization?”
~ Gil Fried
Risk management consultant and chair of the Sport/Hospitality and Tourism Management Department at the University of New Haven College of Business
(Brown 2010)

“It’s one of these issues where, if I’m a defense lawyer, I have to realize it doesn’t really matter how reasonably my clients acted, because what the jury is going to see is a hurt little kid, and
they're not going to like it… Unless I can say that they did a comprehensive background check and it came back clean, the jury is not going to like my story.”

~ Gary Bradley
Partner with the law firm Bradley & Gmelich in Glendale, California
Father and coach in a community recreation sports league

(Brown 2010)

“I had to get fingerprinted and checked… It was a complete hassle, but it was absolutely the right thing to do… It's close to a completely indefensible position for the park and rec agency if they don't take the time to do this.”

~ Gary Bradley
Partner with the law firm Bradley & Gmelich in Glendale, California
Father and coach in a community recreation sports league

(Brown 2010)

References


Little League, Local League Background Check Information. Retrieved from website December 5, 2012: http://www.littleleague.org/learn/programs/childprotection/LocalLeagueBackgroundChecks.htm


Contact the Alliance for Background Checks in Youth Sports

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www.abcyouthsports.org

Safe at School, Safe on the Field

White Paper, December 20, 2012
EXECUTIVE SUMMARY

Problem:
There is an inconsistency in youth sports leagues’ policies regarding background checks for their volunteers and coaches. While most leagues encourage conducting background checks for all adults who work with youth, there is little to no enforcement or accountability, and the extent of the background checks vary widely.

The discrepancies and lack of background checks allow individuals with criminal histories, including violent crimes and crimes against children, to obtain and hold coaching positions in our local sports leagues. Under these conditions, people with questionable backgrounds have access to hundreds of youth in their care, and can endanger these vulnerable members of our communities.

In these situations, the irregularity in background check policies render the umbrella leagues, as well as the local chapters of these leagues, vulnerable to charges of liability—not simply the coaches and volunteers in question.

Solution:

Alliance for Background Checks in Youth Sports is asking California State Legislature to join the ranks of other states in their efforts to protect our children and our community sports programs. We call for a state-wide policy requiring all California youth sports league chapters to operate with the same background check requirements held by California public school sports programs.

Advantages:

Protecting our Children:
- increases safety of youth whether they participate in school sports or community sports
- ensures that all volunteer coaches are held to the same standards, and our youth are equally safe in whichever league they participate

Protecting our Community Sports Programs:
- reduces the liability of individual leagues, league chapters, city/county parks and recreation programs, or faith based sports leagues, and other organizations
- consistency in background checks protects the good standing of individual leagues within their communities as well as on national level
- consistency in background checks helps maintain a base cost

I. BACKGROUND

a) Definition

Youth Sports League: Recreational youth sport organizations: youth sport programs that exist outside of an educational/school setting. Examples of recreational youth sports organizations include Little League Baseball and Softball, Pop Warner Little Scholars, and community-based (local and regional) youth sport programs, including church, municipal, park and recreation
b) Youth sports participation

There are an estimated 44 million youth participating in private sports organizations nationwide. These organizations utilize 7.3 million volunteers and coaches.

c) Abuse

The greatest concern, and the gravest fear, is over the actions of pedophiliac sexual predators and sexual abuse against the youth in their care.

Studies show that 56% of those that sexually abuse a child are acquaintances of either the child or family and many molesters establish a trusting relationship with the victim’s family.

According to one study, approximately 90,000 children in the United States were sexually abused in 2003 alone.

Despite the seriousness of the abuse, the average molestation victim fails to report it—therefore these numbers are estimated to be much lower than the actual instances of abuse. One analysis found that police only discover 3% of all cases.

A youth sports study conducted by the Minnesota Amateur Sports Commission found that 3.4% of children said they had been pressured into sex or sexual touching by a coach or volunteers and 8% said they had been called names with sexual connotations. Again, these numbers are thought to be very conservative because not many children are willing to admit to their abuse.

In addition to molestation abuse, other kinds of concerns in regard to coaches include: physical violence against youth, issues of gambling, drug use and distribution, as well as histories of driving under the influence and other child endangerment.

The youth sports survey mentioned above also found that 17.5% of children involved in youth sports said they had been hit, kicked or slapped.

d) Current Background Check Requirements in Youth Sports Organizations

There are currently no formal legal requirements for youth sports organization in regard to background checks. However, the National Child Protection Act that became law in 1993 was amended in 1998 to allow organizations to use nationwide fingerprint-based criminal history checks to encourage and permit sports organizations to obtain this information.

The primary goal of Safe at School, Safe on the Field, is to protect California’s youth from potentially harmful adults who gain access to vulnerable populations through their volunteer involvement with community sports leagues. Federal and state laws have been passed granting power to obtain criminal background checks for volunteers, including those in youth sports.

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1 Baker, TA III, et al. p 1
2 Baker, TA III, et al. p 1
3 www.d2l.org
4 National Alliance for Youth Sports, Recommendations for Communities
5 HR 1360 Amendments to the National Child Protection Act
leagues. While numerous recommendations have been made on the part of sports leagues and sports league allies, encouraging background checks of their volunteers as a best practice, the enforcement of proposed background checks has failed.

For example, both the National Little League\(^6\) and American Youth Soccer Organization\(^7\) recommend background checks that are processed through their national headquarters. This provides access to background checks for local chapters in states that have yet to pass legislation allowing small organizations to access background checks for volunteers.

Both organizations
- have very clear recommendations that background checks should be done annually
- provide information and links to sex offender registries and departments of justice
- outline the differences between the types of background checks
- offer detailed lists of disqualifying crimes that may appear on a background check

Furthermore, The Alliance for Youth Sports has issued a white paper offering sports organizations unifying standards for background checks\(^8\).

However--whether as a national league, a local chapter, or as an alliance--enforcement of said recommendations is not outlined.

e) Background Check Findings

While the bad news is that few are conducting thorough background checks, the good news is that in many situations a background check would reveal valuable information that could prevent people with questionable backgrounds gaining volunteer coaching positions, and prevent repeat offenses.

The Child Safety Pilot Program found that 6% of volunteer applicants of the 68,000 background checks performed, had a criminal history of concern—including serious offenses. Of these, 41% of the offenses were in another state, in which state-only background searches would not have found these offenses. Additionally, 50% of those with criminal records did not include their crime on their volunteer application\(^9\).

Of the 10,436 profiles submitted by municipalities last year to the National Recreation and Park Association's TLC\(^2\) volunteer-screening program, nearly one in 10 people were found to have criminal records. Nearly 40% of those people were discovered to have committed an offense that, under the program's standards, precluded them from coaching children. Those "disqualifying offenses" included serious drug and alcohol convictions (114), violent offenses (106), various other felonies (71), recent misdemeanors (49) and even sex crimes (11).\(^10\)

In Washington State alone, 159 coaches have been fired or reprimanded for sexual misconduct ranging from harassment to rape. At least 98 of those coaches continued to coach or teach somewhere else.\(^11\)

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\(^6\) National Little League Online
\(^7\) American Youth Soccer League Criminal Background Check Policy 2009
\(^8\) National Alliance for Youth Sports, Background Screening in Youth Sports
\(^9\) Brown, Nicholas 2010
\(^10\) Brown, Nicholas 2010
\(^11\) Willmsen & O’Hagen 2003
II. CURRENT SITUATION

a) Liability

The secondary goal of Safe at School, Safe on the Field, is to protect our community sports leagues from damages incurred if someone with questionable character harms youth through their involvement with the league. Most states have volunteer liability protection; however this is most often specific to nonprofit organizations. Most states’ volunteer liability legislation does not cover volunteers in sports leagues, or explicitly does not cover sports leagues, and some are ambiguous in their coverage of leagues. Under current law, California does not provide liability protection to its local sports organizations under its volunteer liability legislation12.

The primary reason local sports leagues are brought to court, and found liable for the actions of their volunteers, is on the basis of negligent hiring practices. In these situations, the national, or umbrella league is not held liable for the actions of the volunteer, but the local league is.13 The most noted case, in both the media and in courts, is regarding Norman Watson.

b) Case Study: Norman Watson

Norm Watson, a Little League coach in San Bernardino, California, was sentenced to 84 years in prison after pleading guilty to 39 counts of lewd acts with five children that occurred during the 1990s.

Unknown to the parents or the local league—which did not conduct proper background checks on the coach—Watson was serving probation during his time as coach for a 1980 molestation offense, and had also previously undergone treatment in two state mental facilities for child molestation. Watson admits to abusing over 100 youth in his time as a baseball coach.14

When brought to court, the National Little League was not held liable for Watson's actions, but the local league which hired him, was.15

c) Other States’ Actions

While California has lead with efforts to make background checks available to people volunteering with children, other states have taken this up, and gone further to address the specific issue of volunteers in youth sports leagues.

- “Ohio: State law since 2001 encourages youth organizations to require background checks, but has no regulatory authority. It doesn't mandate fingerprint checks, but says doing so holds the organization using them immune from civil liability should a volunteer harm a child”16.

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12 Baker, TA III, et al
13 Baker, TA III, 2007 p 39
14 Nack, William and Yaeger, Don 1999
15 Baker, TA III, 2007 p 59
16 http://www.clemetparks.com/volunteer/ohio_law.asp
• “Minnesota: A 2008 law made background checks mandatory for volunteers who work with children, the elderly and disabled or other vulnerable populations.” 17

• Florida: Legislation passed in 2010 that “[Requires the independent sanctioning authority of a youth athletic team to screen the background of current and prospective athletic coaches through designated state and federal sex offender registries.” 18

• New Jersey: 2012-2013 pending legislation calls for mandatory background checks for volunteer sports officials. 19

OREGON??

III. ABC YOUTH SPORTS PROPOSAL

a) Safe at School, Safe on the Field

• Safe at School, Safe on the Field would be based on California Education Code’s standards and processes for background check requirements.

• Stipulations as to what revealed background information would disqualify someone from assuming a position in a sports league should be taken from Ed Code standards 20, current sports league recommendations, and hiring best practices.

• Mandated background checks for volunteer sports officials can be based on New Jersey’s pending legislation language 21.

• Local sports organizations’ liability immunity in civil courts will mirror Oregon’s liability language 22.

• Under Safe at School, Safe on the Field if a local sports organization performs the mandated background check and hires according to the outlined qualifications, if the hired volunteer harms a youth in his or her care, the local league cannot be brought to civil court for liability due to negligent hiring.

b) Enforcement

Liability immunity will serve as the legislation’s built-in enforcement. Organizations who do not conduct background checks are assuming the possible liability for actions of their volunteers and have limited protection when taken to civil court.

c) Costs

i. Cost to State

• Costs to the state of California should be minimal, beyond the actual cost for the Department of Justice’s operating costs to run criminal background checks.

17 Schweers, Jeff, 2009 USA Today
18 Florida Senate Archive Website
19 Senate 0150: Relating to Athletic Coaches
20 See Appendix
21 See Appendix
22 See Appendix
ii. Cost to Leagues

- Under Safe at School, Safe on the Field, in its accordance with the California Education Code, only one volunteer per team would be mandated to receive a background check—thereby keeping costs to leagues at a minimum
- The average cost of a DOJ background check is estimated to be $50\textsuperscript{23}
- In situations for small organizations or volunteers the fee for fingerprinting may be waived\textsuperscript{24}

iii. Impact of Cost on Leagues

Sports leagues currently running background checks for their volunteer coaches have funded the safety fees in several ways:

- Additional fee for each youth participating, often included in general registration fees
- Accounting for this expense during traditional, regularly scheduled team fundraisers like bake sales, candy bar sales, events, raffles, car washes, etc
- Including the additional $50 as a part of the community business sponsorship package
- Requiring volunteer coaches cover the costs as found in common practices of many employers
- It’s important to recognize how much a sports organization can save in paying for consistent background checks when compared to the costs of court and lawyers’ fees if brought to court, even if the organization is not found liable

Quotes:

"You made my life a wreck,"
13-year-old victim

"I didn’t want people finding out what was happening. . . . I didn’t know what to say. . . . He was my coach! . . . I was embarrassed about it. . . . I’m still embarrassed about it."
13-year-old victim

"You scared these kids, took advantage of their innocence and suffocated them so they would not tell on you,"
Parent of a victim

“Almost every week we see cases of sexual abuse coming up in sports,” . . . “Organizations are going to be encountering this, whether they like it or not. Even if they do have the best training or preparation, these incidents are going to happen. The question is, are you prepared to deal with this when it occurs in your organization?”
Gil Fried
Risk management consultant and chair of the Sport/Hospitality and Tourism Management Department at the University of New Haven College of Business

\textsuperscript{23} California Department of Justice
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“It’s one of these issues where, if I’m a defense lawyer, I have to realize it doesn’t really matter how reasonably my clients acted, because what the jury is going to see is a hurt little kid, and they’re not going to like it.” … “Unless I can say that they did a comprehensive background check and it came back clean, the jury is not going to like my story.”

Gary Bradley
Partner with the law firm Bradley & Gmelich in Glendale, California
Father and coach in a community recreation sports league

“I had to get fingerprinted and checked,”…”It was a complete hassle, but it was absolutely the right thing to do.” …”It’s close to a completely indefensible position for the park and rec agency if they don’t take the time to do this.”

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Sources

American Youth Soccer League Criminal Background Check Policy 2009
Pulled from website December 5, 2012
http://www.ayso.org/Libraries/Special_Programs/criminal_background_check_policy.pdf

Baker, Thomas A III: Case and statutory law regarding the liability of youth sport organizations for the pedophilic actions of youth sport coaches and officials based on the theories of respondent superior, negligent hiring, and negligent retention
University of Florida, 2007
Pulled from website December 5, 2012
https://docs.google.com/viewer?a=v&pid=sites&srcid=ZGVmYXVsdGRvbWFpbmxhZHlvY2FjeUVm3xneDo4NTJhZDVkY2FjcZmU

Baker, Thomas A III, University of Georgia; Connaghton, Daniel P. and Zhang, James J. Zhang: An Examination of Immunity Statutes Regarding the Liability of Recreational Youth Sport Organizations for the Pedophilic Actions of Coaches, Administrators, and Officials
University of Florida
Pulled from website December 5, 2012:

Brown, Nicholas, Criminals Continue to Try to Evade Background Checks and Coach Youth Sports, AthleticBusiness.com, 2010
Pulled from website December 5, 2012

California Department of Justice, Applicant Fingerprinting Fees
http://oag.ca.gov/sites/all/files/pdfs/fingerprints/forms/fees.pdf

California Department of Justice, Application for Authorization Pursuant to Penal Code Section 11105.3 (Youth Organizations - Human Resource Agencies)

Darkness to Light, End Child Abuse, Who Abuses Children
Pulled from website December 5, 2012:
http://www.d2l.org/site/c.4dIcJ0kGciSE/b.6250791/k.F566/Who_Abuses_Children.htm

Florida Senate Archive Website
Pulled from website December 5, 2012
http://archive.flsenate.gov/Session/index.cfm?Mode=Bills&SubMenu=1&Tab=session&Bi_Mode=ViewBillInfo&BillNum=0150&Chamber=Senate&Year=2010&Title=-%3EBill%2520Info%3AS%2520Bill%2520150-%3ESession%25202010

HR360 National Child Protection Act
Pulled from website December 5, 2012
https://docs.google.com/viewer?a=v&pid=sites&srcid=ZGVmYXVsdGRvbWFpbmxhZHlvY2FjeUVm3xneDo4ZGM4MWU4YjIeYWRhY2Fk
Little League, Local League Background Check Information
Pulled from website December 5, 2012
http://www.littleleague.org/learn/programs/childprotection/LocalLeagueBackgroundChecks.htm

Nack, William and Yaeger, Don; Every Parent’s Nightmare: Sports Illustrated September 13, 2009
Pulled from website December 5, 2012

National Alliance for Youth Sports, Background Screening in Youth Sports

National Alliance for Youth Sports, Recommendations for Communities, developed through the National Summit on Raising Community Standards for Youth Sports
http://www.nays.org/CMSContent/File/nays_community_recommendations.pdf

Schweers, Jeff 2009, Volunteers screened before working with children, elderly, USA Today

EXECUTIVE SUMMARY

Problem: Current policies regarding background checks for volunteers and coaches in youth sports leagues are inconsistent.

There is an inconsistency in youth sports leagues' policies regarding background checks for their volunteers and coaches. While most leagues encourage conducting background checks for all adults who work with youth, there is little to no enforcement or accountability, and the extent of the background checks vary widely.

The discrepancies and lack of background checks allow individuals with criminal histories, including violent crimes and crimes against children, to obtain and hold coaching positions in our local sports leagues. Under these conditions, people with questionable backgrounds have access to hundreds of youth in their care, and can endanger these vulnerable members of our communities.

Solution:

Alliance for Background Checks in Youth Sports is asking California State Legislature to join the ranks of other states in their efforts to protect our children and our community sports programs. We are calling for a "Safe at School, Safe on the Field" statewide policy requiring all California youth sports league chapters to operate with the same background check requirements held by California public school sports programs.

Advantages:

Protecting our Children:

- Increases safety of youth, whether they participate in school sports or community sports.
- Ensures that all volunteer coaches are held to the same standards, and our youth are equally safe in whichever league they participate.

Protecting our Community Sports Programs:

- Reduces the liability of individual leagues, league chapters, city/county parks and recreation programs, faith based sports leagues, or other related organizations.
- Protects the good standing of individual leagues within their communities and nationally.
- Consistency in background checks helps maintain a base cost.

I. BACKGROUND

a) Definition: Youth Sports Leagues

The term Youth Sports League in this paper is based on the definition by Baker, Connaughton, and Thang (2010) and refers to any recreational youth sport organization or program that exists outside of an educational or school setting. Examples include Little League Baseball and Softball, Pop Warner Little Scholars, and local/regional
community-based youth sports programs, such as church, municipal, park and
recreation departments, etc.

b) Youth sports participation

There are 44 million youth estimated to be participating in private sports organizations
nationwide. These organizations utilize 7.3 million volunteers and coaches (Baker et al, 2010).
California is the most populous state with approximately 12% of the country’s residents (U.S.
Census Bureau, 2010). Based on this, the state is likely to have over 5 million youth athletes
with over 875,000 volunteers and coaches.

c) Abuse

The greatest concern, and the gravest fear, is over the actions of pedophiliac sexual predators
and sexual abuse against the youth in their care.

Studies show that 56% of those that sexually abuse a child are acquaintances of either the child
or family and many molesters establish a trusting relationship with the victim’s family (Darkness
To Light, 2012).

A study done under the U.S. Department of Health and Human Services found that
approximately 90,000 cases of child sexual abuse are confirmed in the U.S. each year
(Levenson and D’Amora, 2007).

Despite the seriousness of the abuse, the average molestation victim fails to report it—therefore
these numbers are estimated to be much lower than the actual instances of abuse. One
analysis found that police only discover 3% of all cases (Preston, 2006).

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children said they had been pressured into sex or sexual touching by a coach or volunteers
and 8% said they had been called names with sexual connotations (National Alliance for Youth
Sports, 2012). Again, these numbers are thought to be very conservative because not many
children are willing to admit to their abuse.

In addition to molestation abuse, other kinds of concerns in regard to coaches include: physical
violence against youth, issues of gambling, drug use and distribution, as well as histories of
driving under the influence and other child endangerment. The youth sports survey mentioned
above also found that 17.5% of children involved in youth sports said they had been hit, kicked,
or slapped (National Alliance for Youth Sports).

d) Current Background Check Requirements in Youth Sports Organizations

There are currently no formal legal requirements for youth sports organizations in regard to
background checks. However, the National Child Protection Act that became law in 1993 was
amended in 1998 to allow organizations to use nationwide fingerprint-based criminal history
checks to encourage and permit sports organizations to obtain this information (H.R. 1360,
2011).

The primary goal of Safe at School, Safe on the Field, is to protect California’s youth from
potentially harmful adults who gain access to vulnerable populations through their volunteer
involvement with community sports leagues. Federal and state laws have been passed granting
power to obtain criminal background checks for volunteers, including those in youth sports leagues. While numerous recommendations have been made on the part of sports leagues and sports league allies, encouraging background checks of their volunteers as a best practice, the enforcement of proposed background checks has failed. (I would wait and make the point about failed enforcement at the closing for conference.)

For example, both the National Little League website and American Youth Soccer Organization (2009) recommend background checks that are processed through their national headquarters. This provides access to background checks for local chapters in states that have yet to pass legislation allowing small organizations to access background checks for volunteers.

Both organizations:
- have very clear recommendations that background checks should be done annually
- provide information and links to sex offender registries and departments of justice
- outline the differences between the types of background checks
- offer detailed lists of disqualifying crimes that may appear on a background check

Furthermore, the National Alliance for Youth Sports (2012a) has issued a white paper offering sports organizations unifying standards for background checks.

However—whether as a national league, a local chapter, or as an alliance—enforcement of said recommendations is not outlined.

While national leagues may recommend background checks, so far there is little if any discussion of how to ensure that local teams comply with suggested practices. (Is that true?)

e) Background Check Findings

The bad news is that few are conducting thorough background checks, the good news is that in many situations a background check would reveal valuable information that could prevent people with questionable backgrounds gaining volunteer coaching positions and prevent repeat offenses.

The Child Safety Pilot Program found that 6% of volunteer applicants of the 68,000 background checks performed, had a "criminal history of concern"—including serious offenses. Of these, 41% of the offenses were in another state, in which state-only background searches would not have found these offenses. Additionally, 50% of those with criminal records did not include their crime on their volunteer application (H.R. 1360, 2010).

While nearly one in 10 of the 10,436 profiles submitted by municipalities in to the National Recreation and Park Association's volunteer-screening program were found to have criminal records, nearly 40% of those records were discovered to have committed "disqualifying offenses" for coaching children. The offenses included "serious drug and alcohol convictions (114), violent offenses (106), various other felonies (71), recent misdemeanors (49) and even sex crimes (11)" (Brown, 2010).

In Washington State alone, 159 coaches "have been fired or reprimanded for sexual misconduct ranging from harassment to rape... At least 98 of those coaches continued to coach or teach somewhere else" (Willmsen and O' Hagen, 2003).

II. CURRENT SITUATION

a) Liability

The secondary goal of Safe at School, Safe on the Field, is to protect our community sports
leagues from damages incurred if someone with questionable character harms youth through their involvement with the league. Most states have volunteer liability protection; however this is most often specific to nonprofit organizations. Most states' volunteer liability legislation does not cover volunteers in sports leagues, or explicitly does not cover sports leagues, and some are ambiguous in their coverage of leagues. Under current law, California does not provide liability protection to its local sports organizations under its volunteer liability legislation (Baker, 2010).

The primary reason local sports leagues are brought to court, and found liable for the actions of their volunteers, is on the basis of negligent hiring practices. In these situations, the national, or umbrella league is not held liable for the actions of the volunteer, but the local league is (Baker, 2007). The most noted case, in both the media and in courts, is regarding Norm Watson.

b) Case Study: Norm Watson

Norm Watson, a Little League coach in San Bernardino, California, was sentenced to 84 years in prison after pleading guilty to 39 counts of lewd acts with five children that occurred during the 1990s.

Unknown to the parents or the local league—which did not conduct proper background checks on the coach—Watson was serving probation during his time as coach for a 1980 molestation offense, and had also previously undergone treatment in two state mental facilities for child molestation. Watson admits to abusing over 100 youth in his time as a baseball coach (Nack and Yaeger, 2009).

When brought to court, the National Little League was not held liable for Watson's actions, but the local league that hired him was liable (Baker, 2007).

c) Other States' Actions

While California has lead with efforts to make background checks available to people volunteering with children, other states have taken this up, and gone further to address the specific issue of volunteers in youth sports leagues.

- **Florida:** The State Senate passed legislation under Bill 0150 in 2010 that "Requires the independent sanctioning authority of a youth athletic team to screen the background of current and prospective athletic coaches through designated state and federal sex offender registries."

- **Minnesota:** A 2008 law made background checks mandatory for volunteers who work with children, the elderly and disabled or other vulnerable populations (Schweers, 2009).

- **New Jersey:** 2012-2013 pending legislation calls for mandatory background checks for volunteer sports officials.

- **Ohio:** State law since 2001 encourages youth organizations to require background checks, but has no regulatory authority. It doesn't mandate fingerprint checks, but says doing so holds the organization using them immune from civil liability should a volunteer harm a child (Cleveland Metroparks, 2012).

- **Oregon:** A 2001 state law "encouraged" and "authorized" background checks for volunteers working with children, but it does not impose any additional duty or liability on
III. ABC YOUTH SPORTS PROPOSAL

a) Safe at School, Safe on the Field

- Safe at School, Safe on the Field would be based on California Education Code's standards and processes for background check requirements.

- Stipulations as to what revealed background information would disqualify someone from assuming a position in a sports league should be taken from Ed Code standards, current sports league recommendations, and hiring best practices.

- Mandated background checks for volunteer sports officials can be based on New Jersey's pending legislation language. Did Peter Howard suggest trying to provide them with this language or expand this section? *I'm still a little unclear about how much immunity to liability is being offered.*

- Local sports organizations' liability immunity in civil courts will mirror Oregon's liability language.

- Under Safe at School, Safe on the Field if a local sports organization performs the mandated background check and hires according to the outlined qualifications, if the hired volunteer harms a youth in his or her care, the local league cannot be brought to civil court for liability due to negligent hiring.

b) Enforcement

Liability immunity will serve as the legislation's built-in enforcement. Organizations who do not conduct background checks are assuming the possible liability for actions of their volunteers and have limited protection when taken to civil court.

c) Costs

i. Cost to State

- Costs to the state of California should be minimal, beyond the actual cost for the Department of Justice's operating costs to run criminal background checks.

ii. Cost to Leagues

- Under Safe at School, Safe on the Field, in its accordance with the California Education Code, only one volunteer per team would be mandated to receive a background check—thereby keeping costs to leagues at a minimum.

- The average cost of a California Department of Justice background check is estimated to be $50. **Where? Do you need to cite?**

- In situations for small organizations or volunteers the fee for fingerprinting may be waived.

iii. Impact of Cost on Leagues

Sports leagues currently running background checks for their volunteer coaches have
funded the safety fees in several ways:

- Additional fee for each youth participating, often included in general registration fees
- Accounting for this expense during traditional, regularly scheduled team fundraisers like bake sales, candy bar sales, events, raffles, car washes, etc
- Including the additional $50 as a part of the community business sponsorship package
- Requiring volunteer coaches cover the costs as found in common practices of many employers
- It's important to recognize how much a sports organization can save in paying for consistent background checks when compared to the costs of court and lawyers' fees if brought to court, even if the organization is not found liable

Quotes:

"You made my life a wreck,"
~ 13-year-old victim

"I didn't want people finding out what was happening... I didn't know what to say... He was my coach!... I was embarrassed about it... I'm still embarrassed about it."
~ 13-year-old victim

"You scared these kids, took advantage of their innocence and suffocated them so they would not tell on you,"
~ Parent of a victim

"Almost every week we see cases of sexual abuse coming up in sports... Organizations are going to be encountering this, whether they like it or not. Even if they do have the best training or preparation, these incidents are going to happen. The question is, are you prepared to deal with this when it occurs in your organization?"
~ Gil Fried
Risk management consultant and chair of the Sport/Hospitality and Tourism Management Department at the University of New Haven College of Business

"It's one of these issues where, if I'm a defense lawyer, I have to realize it doesn't really matter how reasonably my clients acted, because what the jury is going to see is a hurt little kid, and they're not going to like it... Unless I can say that they did a comprehensive background check and it came back clean, the jury is not going to like my story."
~ Gary Bradley
Partner with the law firm Bradley & Gmelich in Glendale, California
Father and coach in a community recreation sports league

"I had to get fingerprinted and checked... It was a complete hassle, but it was absolutely the right thing to do... It's close to a completely indefensible position for the park and rec agency if they don't take the time to do this."
~ Gary Bradley
Partner with the law firm Bradley & Gmelich in Glendale, California
Father and coach in a community recreation sports league
EXECUTIVE SUMMARY

Problem:

There is an inconsistency in youth sports leagues' policies regarding background checks for their volunteers and coaches. While most leagues encourage conducting background checks for all adults who work with youth, there is little to no enforcement or accountability, and the extent of the background checks vary widely.

The discrepancies and lack of background checks allow individuals with criminal histories, including violent crimes and crimes against children, to obtain and hold coaching positions in our local sports leagues. Under these conditions, people with questionable backgrounds have access to hundreds of youth in their care, and can endanger these vulnerable members of our communities.

In these situations, the irregularity in background check policies render the umbrella leagues, as well as the local chapters of these leagues, vulnerable to charges of liability-- not simply the coaches and volunteers in question.

Solution:

Alliance for Background Checks in Youth Sports is asking California State Legislature to join the ranks of other states in their efforts to protect our children and our community sports programs. We call for a state-wide policy requiring all California youth sports league chapters to operate with the same background check requirements held by California public school sports programs.

Advantages:

Protecting our Children:

- increases safety of youth whether they participate in school sports or community sports
- ensures that all volunteer coaches are held to the same standards, and our youth are equally safe in whichever league they participate

Protecting our Community Sports Programs:

- reduces the liability of individual leagues, league chapters, city/county parks and recreation programs, or faith based sports leagues, and other organizations
- consistency in background checks protects the good standing of individual leagues within their communities as well as on national level
- consistency in background checks helps maintain a base cost

I. BACKGROUND

a) Definition

Youth Sports League: Recreational youth sport organizations: youth sport programs that exist outside of an educational/school setting. Examples of recreational youth sports organizations include Little League Baseball and Softball, Pop Warner Little Scholars, and community-based (local and regional) youth sport programs, including church, municipal, park and recreation
department programs, etc.¹

b) Youth sports participation

There are an estimated 44 million youth participating in private sports organizations nationwide. These organizations utilize 7.3 million volunteers and coaches².

c) Abuse

The greatest concern, and the gravest fear, is over the actions of pedophiliac sexual predators and sexual abuse against the youth in their care.

Studies show that 56% of those that sexually abuse a child are acquaintances of either the child or family and many molesters establish a trusting relationship with the victim’s family³.

According to one study, approximately 90,000 children in the United States were sexually abused in 2003 alone.

Despite the seriousness of the abuse, the average molestation victim fails to report it—therefore these numbers are estimated to be much lower than the actual instances of abuse. One analysis found that police only discover 3% of all cases.

A youth sports study conducted by the Minnesota Amateur Sports Commission found that 3.4% of children said they had been pressured into sex or sexual touching by a coach or volunteers and 8% said they had been called names with sexual connotations. Again, these numbers are thought to be very conservative because not many children are willing to admit to their abuse.

In addition to molestation abuse, other kinds of concerns in regard to coaches include: physical violence against youth, issues of gambling, drug use and distribution, as well as histories of driving under the influence and other child endangerment.

The youth sports survey mentioned above also found that 17.5% of children involved in youth sports said they had been hit, kicked or slapped⁴.

d) Current Background Check Requirements in Youth Sports Organizations

There are currently no formal legal requirements for youth sports organizations in regard to background checks. However, the National Child Protection Act that became law in 1993 was amended in 1998 to allow organizations to use nationwide fingerprint-based criminal history checks to encourage and permit sports organizations to obtain this information.⁵

The primary goal of Safe at School, Safe on the Field, is to protect California’s youth from potentially harmful adults who gain access to vulnerable populations through their volunteer involvement with community sports leagues. Federal and state laws have been passed granting power to obtain criminal background checks for volunteers, including those in youth sports.

¹ Baker, TA III, et al p 1
² Baker, TA III, et al p 1
³ www.d2l.org
⁴ National Alliance for Youth Sports, Recommendations for Communities
⁵ HR 1360 Amendments to the National Child Protection Act
leagues. While numerous recommendations have been made on the part of sports leagues and sports league allies, encouraging background checks of their volunteers as a best practice, the enforcement of proposed background checks has failed.

For example, both the National Little League\(^6\) and American Youth Soccer Organization\(^7\) recommend background checks that are processed through their national headquarters. This provides access to background checks for local chapters in states that have yet to pass legislation allowing small organizations to access background checks for volunteers.

Both organizations
- have very clear recommendations that background checks should be done annually
- provide information and links to sex offender registries and departments of justice
- outline the differences between the types of background checks
- offer detailed lists of disqualifying crimes that may appear on a background check

Furthermore, The Alliance for Youth Sports has issued a white paper offering sports organizations unifying standards for background checks\(^8\).

However—whether as a national league, a local chapter, or as an alliance—enforcement of said recommendations is not outlined.

e) Background Check Findings

While the bad news is that few are conducting thorough background checks, the good news is that in many situations a background check would reveal valuable information that could prevent people with questionable backgrounds gaining volunteer coaching positions, and prevent repeat offences.

The Child Safety Pilot Program found that 6% of volunteer applicants of the 68,000 background checks performed, had a criminal history of concern—including serious offenses. Of these, 41% of the offenses were in another state, in which state-only background searches would not have found these offenses. Additionally, 50% of those with criminal records did not include their crime on their volunteer application\(^9\).

Of the 10,436 profiles submitted by municipalities last year to the National Recreation and Park Association's TLC2 volunteer-screening program, nearly one in 10 people were found to have criminal records. Nearly 40% of those people were discovered to have committed an offense that, under the program's standards, precluded them from coaching children. Those "disqualifying offenses" included serious drug and alcohol convictions (114), violent offenses (106), various other felonies (71), recent misdemeanors (49) and even sex crimes (11).\(^\text{10}\)

In Washington State alone, 159 coaches have been fired or reprimanded for sexual misconduct ranging from harassment to rape. At least 98 of those coaches continued to coach or teach somewhere else.\(^\text{11}\)

\(^6\) National Little League Online
\(^7\) American Youth Soccer League Criminal Background Check Policy 2009
\(^8\) National Alliance for Youth Sports, *Background Screening in Youth Sports*
\(^9\) Brown, Nicholas 2010
\(^\text{10}\) Brown, Nicholas 2010
\(^\text{11}\) Willmsen & O'Hagen 2003
II. CURRENT SITUATION

a) Liability

The secondary goal of *Safe at School, Safe on the Field*, is to protect our community sports leagues from damages incurred if someone with questionable character harms youth through their involvement with the league. Most states have volunteer liability protection; however this is most often specific to nonprofit organizations. Most states’ volunteer liability legislation does not cover volunteers in sports leagues, or explicitly does not cover sports leagues, and some are ambiguous in their coverage of leagues. Under current law, California does not provide liability protection to its local sports organizations under its volunteer liability legislation\(^{12}\).

The primary reason local sports leagues are brought to court, and found liable for the actions of their volunteers, is on the basis of negligent hiring practices. In these situations, the national, or umbrella league is not held liable for the actions of the volunteer, but the local league is.\(^{13}\) The most noted case, in both the media and in courts, is regarding Norman Watson.

b) Case Study: Norman Watson

Norm Watson, a Little League coach in San Bernardino, California, was sentenced to 84 years in prison after pleading guilty to 39 counts of lewd acts with five children that occurred during the 1990s.

Unknown to the parents or the local league—which did not conduct proper background checks on the coach—Watson was serving probation during his time as coach for a 1980 molestation offense, and had also previously undergone treatment in two state mental facilities for child molestation. Watson admits to abusing over 100 youth in his time a baseball coach.\(^{14}\)

When brought to court, the National Little League was not held liable for Watson’s actions, but the local league which hired him, was\(^{15}\).

c) Other States’ Actions

While California has lead with efforts to make background checks available to people volunteering with children, other states have taken this up, and gone further to address the specific issue of volunteers in youth sports leagues.

- Ohio: State law since 2001 encourages youth organizations to require background checks, but has no regulatory authority. It doesn't mandate fingerprint checks, but says doing so holds the organization using them immune from civil liability should a volunteer harm a child\(^{16}\).

\(^{12}\) Baker, TA III, et al
\(^{13}\) Baker, TA III, 2007 p 39
\(^{14}\) Nack, William and Yaeger, Don 1999
\(^{15}\) Baker, TA III, 2007 p 59
\(^{16}\) [http://www.clemetparks.com/volunteer/ohio_law.asp](http://www.clemetparks.com/volunteer/ohio_law.asp)
• Minnesota: A 2008 law made background checks mandatory for volunteers who work with children, the elderly and disabled or other vulnerable populations.\(^{17}\)

• Florida: Legislation passed in 2010 that “Requires the independent sanctioning authority of a youth athletic team to screen the background of current and prospective athletic coaches through designated state and federal sex offender registries.”\(^{18}\)

• New Jersey: 2012-2013 pending legislation calls for mandatory background checks for volunteer sports officials.\(^{19}\)

III. ABC YOUTH SPORTS PROPOSAL

a) Safe at School, Safe on the Field

• *Safe at School, Safe on the Field* would be based on California Education Code’s standards and processes for background check requirements.

• Stipulations as to what revealed background information would disqualify someone from assuming a position in a sports league should be taken from Ed Code standards\(^{20}\), current sports league recommendations, and hiring best practices.

• Mandated background checks for volunteer sports officials can be based on New Jersey’s pending legislation language\(^{21}\).

• Local sports organizations’ liability immunity in civil courts will mirror Oregon’s liability language\(^{22}\).

• Under *Safe at School, Safe on the Field* if a local sports organization performs the mandated background check and hires according to the outlined qualifications, if the hired volunteer harms a youth in his or her care, the local league cannot be brought to civil court for liability due to negligent hiring.

b) Enforcement

Liability immunity will serve as the legislation’s built-in enforcement. Organizations who do not conduct background checks are assuming the possible liability for actions of their volunteers and have limited protection when taken to civil court.

c) Costs

i. Cost to State

• Costs to the state of California should be minimal, beyond the actual cost for the Department of Justice’s operating costs to run criminal background checks.

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\(^{17}\) Schweers, Jeff, 2009 USA Today
\(^{18}\) Florida Senate Archive Website
\(^{19}\) Senate 0150: Relating to Athletic Coaches
\(^{20}\) See Appendix
\(^{21}\) See Appendix
\(^{22}\) See Appendix
ii. Cost to Leagues

- Under *Safe at School, Safe on the Field*, in its accordance with the California Education Code, only one volunteer per team would be mandated to receive a background check—thereby keeping costs to leagues at a minimum
- The average cost of a DOJ background check is estimated to be $50\textsuperscript{23}
- In situations for small organizations or volunteers the fee for fingerprinting may be waived\textsuperscript{24}

iii. Impact of Cost on Leagues

Sports leagues currently running background checks for their volunteer coaches have funded the safety fees in several ways:

- Additional fee for each youth participating, often included in general registration fees
- Accounting for this expense during traditional, regularly scheduled team fundraisers like bake sales, candy bar sales, events, raffles, car washes, etc
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- It’s important to recognize how much a sports organization can save in paying for consistent background checks when compared to the costs of court and lawyers’ fees if brought to court, even if the organization is not found liable

Quotes:

"You made my life a wreck,"
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“I didn’t want people finding out what was happening. . . . I didn’t know what to say. . . . He was my coach! . . . I was embarrassed about it. . . . I’m still embarrassed about it.”
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"You scared these kids, took advantage of their innocence and suffocated them so they would not tell on you,"
Parent of a victim

“Almost every week we see cases of sexual abuse coming up in sports,” ...“Organizations are going to be encountering this, whether they like it or not. Even if they do have the best training or preparation, these incidents are going to happen. The question is, are you prepared to deal with this when it occurs in your organization?”
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\textsuperscript{23} California Department of Justice
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“It’s one of these issues where, if I’m a defense lawyer, I have to realize it doesn’t really matter how reasonably my clients acted, because what the jury is going to see is a hurt little kid, and they’re not going to like it,” … “Unless I can say that they did a comprehensive background check and it came back clean, the jury is not going to like my story.”

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“I had to get fingerprinted and checked,”…”It was a complete hassle, but it was absolutely the right thing to do.” ....“It’s close to a completely indefensible position for the park and rec agency if they don’t take the time to do this.”

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Sources

American Youth Soccer League Criminal Background Check Policy 2009
Pulled from website December 5, 2012
http://www.ayso.org/Libraries/Special_Programs/criminal_background_check_policy.pdf

Baker, Thomas A III: Case and statutory law regarding the liability of youth sport organizations for the pedophilic actions of youth sport coaches and officials based on the theories of respondent superior, negligent hiring, and negligent retention
University of Florida, 2007
Pulled from website December 5, 2012
https://docs.google.com/viewer?a=v&pid=sites&srcid=ZGVmYXVsdGRvbWFpbnxhZHlzY2FjeTUXM3xneDo4NTJhZDVkYml2Yjc1ZmU

Baker, Thomas A III, University of Georgia; Connaghton, Daniel P. and Zhang, James J. Zhang: An Examination of Immunity Statutes Regarding the Liability of Recreational Youth Sport Organizations for the Pedophilic Actions of Coaches, Administrators, and Officials
University of Florida
Pulled from website December 5, 2012:

Brown, Nicholas, Criminals Continue to Try to Elude Background Checks and Coach Youth Sports, AthleticBusiness.com, 2010
Pulled from website December 5, 2012

California Department of Justice, Applicant Fingerprinting Fees
http://oag.ca.gov/sites/all/files/pdfs/fingerprints/forms/fees.pdf

California Department of Justice, Application for Authorization Pursuant to Penal Code Section 11105.3 (Youth Organizations - Human Resource Agencies)

Darkness to Light, End Child Abuse, Who Abuses Children
Pulled from website December 5, 2012:
http://www.d2l.org/site/c.4dICI/JOkGcISe/b.6250791/k.F566/Who_Abuses_Children.htm

Florida Senate Archive Website
Pulled from website December 5, 2012
http://archive.flsenate.gov/Session/index.cfm?Mode=Bills&SubMenu=1&Tab=session&BI_Mode=ViewBillInfo&BillNum=0150&Chamber=Senate&Year=2010&Title=-%3EBill%2520Info%3AS%25200150-%3ESession%25202010

HR360 National Child Protection Act
Pulled from website December 5, 2012
https://docs.google.com/viewer?a=v&pid=sites&srcid=ZGVmYXVsdGRvbWFpbnxhZHlzY2FjeTUXM3xneDoxZGM4MWU4YjIzYWRhY2Fk
Little League, Local League Background Check Information
Pulled from website December 5, 2012
http://www.littleleague.org/learn/programs/childprotection/LocalLeagueBackgroundChecks.htm

Nack, William and Yaeger, Don; Every Parent’s Nightmare: Sports Illustrated September 13, 2009
Pulled from website December 5, 2012

National Alliance for Youth Sports, Background Screening in Youth Sports

National Alliance for Youth Sports, Recommendations for Communities, developed through the National Summit on Raising Community Standards for Youth Sports
http://www.nays.org/CMSContent/File/nays_community_recommendations.pdf

Schweers, Jeff 2009, Volunteers screened before working with children, elderly, USA Today

Pulled from website December 5, 2012
EXECUTIVE SUMMARY

Problem:

There is an inconsistency in youth sports leagues' policies regarding background checks for their volunteers and coaches. While most leagues encourage conducting background checks for all adults who work with youth, there is little to no enforcement or accountability, and the extent of the background checks vary widely.

The inconsistencies and lack of background checks allow individuals with criminal histories, including violent crimes and crimes against children, to obtain and hold coaching positions in our local sports leagues. Under these conditions, people with questionable backgrounds have access to hundreds of youth in their care, and can endanger these vulnerable members of our communities.

Solution:

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Advantages:

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- increases safety of youth whether they participate in school sports or community sports
- ensures that all volunteer coaches are held to the same standards, and our youth are equally safe in whichever league they participate

Protecting our Community Sports Programs:
• reduces the liability of individual leagues, league chapters, city/county parks and recreation programs, or faith based sports leagues, and other organizations
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b) Youth sports participation

There are an estimated 44 million youth participating in private sports organizations nationwide (4). These organizations utilize 7.3 million volunteers and coaches (6).

c) Abuse

The greatest concern, and the gravest fear, is over the actions of pedophiliac sexual predators and sexual abuse against the youth in their care. Studies show that 56% of those that sexually abuse a child are acquaintances of either the child or family and many molesters establish a trusting relationship with the victim’s family (http://www.d2l.org/site/c.4dICIJOkGcISE/b.6250791/k.F566/Who_Abuses_Children.htm).

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In addition to molestation abuse, other kinds of concerns in regard to coaches include: physical violence against youth, issues of gambling, drug use and distribution, as well as histories of driving under the influence and other child endangerment. The same youth sports survey as mentioned above also found that 17.5% of children involved in
youth sports said they had been hit, kicked or slapped. - Minnesota Amateur Sports Commission 1993

d) Current Background Check Requirements in Youth Sports Organizations

There are currently no formal legal requirements for youth sports organization in regard to background checks. However, the National Child Protection Act that became law in 1993, was amended in 1998 to allow organizations to use nationwide fingerprint-based criminal history checks to encourage and permit sports organizations to obtain this information.

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For example, both the National Little League and American Youth Soccer Organization recommend background checks that are processed through their national headquarters. This provides access to background checks for local chapters in states that have yet to pass legislation allowing small organizations from requesting background checks for volunteers. Specifically, National Little League utilizes LexisNexis Screening Solutions, whereas The American Youth Soccer Organization recommends APScreen.

Both examples, as common with many national organizations:

- have very clear recommendations that background checks should be done annually
- provide information and links to sex offender registries and departments of justice
- they outline the differences between the types of background checks
- offer detailed lists of disqualifying crimes that may appear on a background check

Furthermore, The Alliance for Youth Sports has issued a white paper offering sports organizations unifying standards for background checks.

However—whether as a national league, a local chapter, or as an alliance-- enforcement of said recommendations is not outlined.
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The secondary goal of Safe at School, Safe on the Field, is to protect our community sports leagues from damages incurred if someone with questionable character harms youth through their involvement with the league. Most states have volunteer liability protection, however this is most often specific to nonprofit organizations. Most states’ volunteer liability legislation does not cover volunteers in sports leagues, or explicitly does not cover sports leagues, and some are ambiguous in their coverage of leagues. Under current law, California does not provide liability protection to it’s local sports organizations under it’s volunteer liability legislation.

The primary reason local sports leagues are brought to court, and found liable for the actions of their volunteers, is on the basis of negligent hiring practices. In these situations, the national, or umbrella league is not held liable for the actions of the volunteer, but the local league is. The most noted case, in both the media and in courts, is regarding Norman Watson.

b) Case Study: Norman Watson
Norm Watson, a Little League coach in San Bernardino, California, was sentenced to 84 years in prison after pleading guilty to 39 counts of lewd acts with five children that occurred during the 1990s.

Unknown to the parents or the local league—which did not conduct proper background checks on the coach—Watson was serving probation during his time as coach for a 1980 molestation offense, and had also previously undergone treatment in two state mental facilities for child molestation. Watson admits to abusing over 100 youth in his time a baseball coach.

When brought to court, the National Little League was not held liable for Watson’s actions, but the local league which hired him, was.

c) Other States’ Actions

While California has lead with efforts to make background checks available to people volunteering with children, other states have taken this up, and gone further to address the specific issue of volunteers in youth sports leagues.

- Ohio: State law since 2001 encourages youth organizations to require background checks, but has no regulatory authority. It doesn’t mandate fingerprint checks, but says doing so holds the organization using them immune from civil liability should a volunteer harm a child.

- Minnesota: A 2008 law made background checks mandatory for volunteers who work with children, the elderly and disabled or other vulnerable populations.

- New Jersy: 2012-2013 pending legislation calls for mandatory background checks for volunteer sports officials.

III. ABC YOUTH SPORTS PROPOSAL

a) Safe at School, Safe on the Field

- **Safe at School, Safe on the Field** would be based on California Education Code’s standards and processes for background check requirements.

- Stipulations as to what revealed background information would disqualify someone from assuming a position in a sports league should be taken from Ed Code standards, current sports league recommendations, and hiring best practices.
Mandated background checks for volunteer sports officials can be based on New Jersey's pending legislation language.

Local sports organizations’ liability immunity in civil courts will mirror Oregon’s liability language.

Under Safe at School, Safe on the Field if a local sports organization performs the mandated background check and hires according to the outlined qualifications, and if the hired volunteer harms a youth in his or her care, the local league can not be brought to civil court for liability.

b) Enforcement

Liability immunity will serve as the legislation’s built-in enforcement. Organizations who do not conduct background checks are assuming the possible liability for actions of their volunteers and have limited protection when taken to civil court.

c) Costs

ci. Cost to State

Costs to the state of California should be minimal, beyond the actual cost for the Department of Justice’s operating costs to run criminal background checks.

cii. Cost to Leagues

Under Safe at School, Safe on the Field, in its accordance with the CA Ed Code, only one volunteer per team would be mandated to receive a background check—thereby keeping costs to leagues at a minimum.

The average cost of a DOJ background check is estimated to be $50

In situations for small organizations or volunteers the fee for fingerprinting may be waived

ciii. Impact of Cost on Leagues

Sports leagues currently running background checks for their volunteer coaches have
funded the safety fees in several ways:

- Additional fee for each youth participating, often included in general registration fees
- Accounting for this expense during traditional, regularly scheduled team fundraisers like bake sales, candy bar sales, events, raffles, car washes, etc
- Including the additional $50 as a part of the community business sponsorship package
- Requiring volunteer coaches cover the costs as found in common practices of many employers
- It’s important to recognize how much a sports organization can save in paying for consistent background checks when compared to the costs of court and lawyers’ fees if brought to court, even if the organization is not found liable

Quotes:

"You made my life a wreck,"
13-year-old victim

“I didn’t want people finding out what was happening. . . . I didn’t know what to say. . . . He was my coach! . . . I was embarrassed about it. . . . I’m still embarrassed about it."
13-year-old victim

"You scared these kids, took advantage of their innocence and suffocated them so they would not tell on you,"
a parent

"Youth sports are a ready-made resource pool for pedophiles, and we better all get our heads out of the sand before we ruin the games,"
Bob Bastarache
police officer turned private investigator

“[a] computer-database search of recent newspaper stories reveals more than 30 cases just in the last 18 months of coaches in the U.S. who have been arrested or
## Appendix

*(updated Jan 8, 2013)*

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BACKGROUND SCREENING IN YOUTH SPORTS 2012

Introduction

In 2006, the National Alliance for Youth Sports (NAYS) released a document called Background Checks in Youth Sports: Guidelines for Your Organization. A large group of recreation professionals met in 2005 to discuss this topic since so many organizations were struggling to determine the best methods to screen potential volunteers. The findings presented in the original document represented a consensus of commonly agreed upon guidelines for that time.

Since then, many changes have occurred that required NAYS to re-examine these initial guidelines. From advancements in technology and the accessibility of information to the majority of youth sports organizations viewing some sort of volunteer screening as a norm, an updated resource became necessary. NAYS gathered professional youth sports administrators and specialists from the screening field at the 2011 Youth Sports Congress to discuss and explore this topic. In addition, industry information, screening protocol, sample procedures and documents were collected and analyzed for this update.

The good news is that today the majority of youth sports organizations require volunteers to undergo some form of screening. But for many, questions still remain. Since there is not a standard screening protocol that all organizations abide by, the variations in methods used is staggering. Some organizations are struggling with the resources and knowledge necessary to conduct duly diligent background checks on their potential volunteers, whether coaches, officials or administrators. Understanding the complexities of what a thorough background check entails continues to challenge many organizations.

The vast majority of public entities (park and recreation agencies) are doing some form of background checks on their volunteers although there are major variations in the methods currently used. And, of greater concern are the bulk of volunteer, parent-run youth leagues that may or may not be screening their volunteers for a number of reasons (resources, time, knowledge, etc.).

Since there is not one standard method used by the masses, this document presents information that is applicable to any youth sports volunteer in any youth sports organization. First, we will outline the components of thorough volunteer youth sports screening. Secondly, we will outline the process to determine eligibility and the factors that can disqualify an individual from serving as a youth sports volunteer. And finally, we will provide samples of essential documents that every youth sports organization must utilize to screen volunteers.

The Components of a Thorough Volunteer Screening Process to Determine Eligibility:

To ensure that the children affected by a youth sports organization receive the highest quality experience, the organization has the responsibility to select the most qualified individuals (those who understand the organization’s goals and who will not create additional risks for the organization). Also and equally important, the organization must exclude individuals that have certain criminal histories or who may increase the level of acceptable risk to the organization overall.

The concept of “due diligence” must be embraced by youth sports organizations. This refers to the complete and careful effort made to investigate a potential volunteer’s background. It is the organization’s responsibility to identify and exclude volunteers who pose risks to young athletes.
The following components must be included to thoroughly (or comprehensively) screen potential volunteers:

1. An Application Form must be completed for all volunteer positions. Required information should include name, address, references and employers. Insist that every potential volunteer complete the form, regardless of how long they have been associated or how desperate the organization is for "warm bodies." Applications should be signed and dated by the potential volunteer. A copy of their photo identification should also be attached to their completed application form.

2. Review Information and Check References that was provided in the volunteer’s application form. When reviewing, look for any inconsistencies, gaps in time, frequent moves, etc. Don’t assume that just because all the information on the form looks legitimate that it is – verify everything. If you don’t take the time to check references and confirm employment history, you are creating opportunities for individuals to become a part of your program that can potentially cause enormous harm to children. Remember, you must take every step possible to ensure that every child is fully protected, and that means being diligent and checking each prospective volunteer’s information, no matter how time consuming and tedious it may be and document everything you find out in a confidential manner.

3. Interview the potential volunteer. Gut level and first impressions are important! Depending on the number of volunteers that are connected to your programs, some organizations will opt for short telephone interviews while others will utilize a more formal approach.

   Since the majority of the volunteers will have a child in the program, many organizations conduct the short interview during the registration process. As the parent registers their child and then agrees to potentially volunteer, this can be a time for you (or your staff) to ask some questions and make some notes on their application form.

   Develop a standard interview routine to save time and allow for consistency. When you have a carefully constructed list of questions that everyone uses it allows your organization to be more effective when selecting candidates. When compiling your list of questions don’t be afraid to ask some tough ones. Also, if you run a large organization and several different staff members will be conducting interviews, by having a pre-determined list of questions it is easier for groups to compare notes on individuals.

   Solicit input from staff members when formulating your list of questions so that you have a comprehensive list to choose from, or even reach out to another organization that you respect for their thorough interview process to get their input on what questions would be the most beneficial to ask.

4. Conduct a Criminal History Background Check. Today a thorough Criminal History Background Check should include the following components:

   - Social Security Number (SSN) and name verification. Obtain a copy of the potential volunteer’s social security card. In verifying the social security number, you are ensuring accuracy in searching for the proper individual.

   - Sex Offender Registry Search (SOR). Sex offenders who have completed their criminal sentences are required to “register” to track where they live and their activities. The information included within the SOR is made available to the general public via a variety of websites. Many, if not most sex offenders comply with the reporting requirements and residency restrictions. But many don’t so we must understand that while checking the SOR is a significant component, it is only one part of the component of a thorough check.
National Criminal Database search. Many databases exist that contain millions of records and summary information about criminal convictions throughout the United States.

- A County or Statewide Criminal search when applicable. In many places, conducting the National Criminal Database search includes state and county information. Organizations must determine what information is available in their jurisdiction to determine if the additional state and/or county checks are necessary. Please note that these searches can be costly and should ONLY be conducted if your area is not included in the National Criminal Database search. To determine if these additional searches are necessary in your area, ask the background check provider that your organization uses for a detailed explanation.

5. Compare Results against Disqualifiers. Once the above four components have been completed, the organization must decide if the candidate is a suitable volunteer. Every reasonable effort should be made to protect youth sports participants from adults in the program who have a history of unacceptable criminal activity. It is estimated that 9.6% of all volunteers screened have a criminal record and 2.9% of would be coaches have had convictions involving sex offenses, violence or other felonies.

Be aware that a criminal history background check is just one component of a thorough screening process since there are many people who do not have a criminal history but are inappropriate for volunteering.

What DISQUALIFIES a potential volunteer?

Before we look at the information obtained from the Criminal History Background check, the following automatic disqualifiers are important to note:

An applicant provides inaccurate information in their application
References provide unpleasant or disturbing information about the potential volunteer
Information gained in the interview raises questions about the potential volunteer's motives
The volunteer refuses to complete the screening process

Then, we must analyze the information gathered from the Criminal History Background Check. If an applicant is found to have been convicted of any of the following offenses, he or she should not be allowed to work with children.

- Sex Offenses and Misconduct
- Violent Felonies
- Felonies (other than sex or violence related) within the past 10 years
- Any child abuse or domestic violence convictions
- Misdemeanors within the past seven years

Organizations must determine for themselves a specific list of offenses that will eliminate a potential volunteer. Additionally, pending convictions and/or arrests for the above items should be considered as organizations determine volunteer eligibility.

Other important considerations during the process:

- Abide by your written policies. Be consistent and tell everyone about your screening initiatives to ensure that the very best volunteers are a part of your organization.

- Some organizations establish a special committee specifically to manage the background check process. This may include deciding on a background check procedure and
disqualifiers, and putting them in writing; and determining who within the organization will be responsible for reviewing the report, notifying the potential volunteer and managing information.

Many public entities (park and recreation departments for example) defer this responsibility to their Human Resources (HR) Department.

Document “why” for whatever decision the organization makes about a volunteer.

Confidentiality is important! All information obtained in response to the criminal background check or disclosed in the review process should be kept confidential and not disclosed or discussed outside of the review process. Criminal history files should be maintained separate from any file accessible to the public or unauthorized personnel.

An organization should conduct follow-up background checks at least every two years on volunteers that continue to serve.

Determining What’s Best for Your Organization

Youth sports organizations are encouraged to review the current internal processes used to screen volunteers. Some organizations have very comprehensive processes already in place while others may be doing very little. A first step is to bring all youth sports providers within a community together to share current methods. Then, we encourage a standardized system be implemented to simplify the process and to encourage consistency within the community. The five-step process described above, along with the documents described below, are essential components for volunteer screening that should be used in every youth sports program. In addition, we have provided samples of each gathered from a variety of youth sports providers. These samples can be reviewed, combined and/or modified to meet the specific local needs in your community.

1. Written Screening Policy
   The written policy must be readily available and communicated to ALL. It should be required that ALL volunteers go through the same screening process. A written policy shows the organization’s commitment to ensuring that only the most qualified individuals are involved in the program and may help to proactively defuse potential conflict resulting from misunderstandings or miscommunication. Even if everybody in the organization knows each other, volunteers should be considered as applicants and should be expected to go through the screening process with No Exceptions.

2. Job Descriptions
   The job description provides a detailed outline of the responsibilities and duties of each volunteer position. A well-crafted job description reduces risk in organizations by establishing boundaries for what the volunteer should or should not do, focusing and communicating the qualifications for the job, and providing documentation if it is necessary to show that the volunteer was acting outside of their responsibilities.

3. Consent/Release Form
   The consent form is necessary to authorize the organization to verify an applicant’s information. The consent form is also needed to investigate the individual’s background. The consent form must be signed and dated. The presence of the consent form makes it clear that the information on the application will be checked and therefore helps to secure the validity of the information.
4. Application Form

Require ALL volunteers to complete an application. Applications should be signed and dated by applicants. They should be filed and should be confidential with only the key administrators in charge of the program having access to the application information. Many organizations also require a copy of some form of identification (driver’s license, passport, etc.) to accompany the application form.

To access the sample documents described above, CLICK HERE to log-in to NAVS website.

Conclusions

There is no way to be 100 percent certain about any person working in youth sports. The more preventative measures that are taken, however, the more likely children and your organization will be protected.

Remember the following:

- Screening is a pro-active approach to ensure that the organization has the right type of volunteers in all positions.
- A comprehensive background check must be conducted on every potential volunteer.
- Organizations must never rely on any one factor when determining the competency and safety of a prospective volunteer. There are several criteria a volunteer must meet to be considered suitable to work with children.
- The more steps an organization takes, the thicker its protective shield. In addition to background checks, an organization must provide training, continuous supervision and accountability.
California Education Code

45106. Notwithstanding the provisions of Section 45103 or Section 45256, which exempt certain types of positions or categories of personnel from the classified service of a school district, persons serving in exempt positions or who serve in classified positions but are exempted from the classified service shall, nevertheless, be subject to the provisions of Sections 45122 to 45125, inclusive, and Section 49406. The governing board of every school district shall, by rule or regulation, provide for the implementation of this section. The provisions of this section shall not apply to full-time day students regularly attending in the district of employment.

45122.1. (a) In addition to any other prohibition or provision, no person who has been convicted of a violent or serious felony shall be employed by a school district pursuant to this chapter. A school district shall not retain in employment a current classified employee who has been convicted of a violent or serious felony, and who is a temporary, substitute, or a probationary employee who has not attained permanent status.

(b) This section applies to any violent or serious offense which, if committed in this state, would have been punishable as a violent or serious felony.

(c) (1) For purposes of this section, a violent felony is any felony listed in subdivision (c) of Section 667.5 of the Penal Code and a serious felony is any felony listed in subdivision (c) of Section 1192.7 of the Penal Code.

(2) For purposes of this section, the term "school district" has the same meaning as defined in Section 41302.5.

(d) When the Department of Justice ascertains that an individual who is an applicant for employment by a school district has been convicted of a violent or serious felony, the department shall notify the school district of the criminal information pertaining to the applicant. The notification shall be delivered by telephone and shall be confirmed in writing and delivered to the school district by first-class mail.

(e) Notwithstanding subdivision (a), a person shall not be denied employment or terminated from employment solely on the basis that the person has been convicted of a violent or serious felony if the person has obtained a certificate of rehabilitation and pardon pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code.

(f) Notwithstanding subdivision (e), a person shall not be denied employment or terminated from employment solely on the basis that the person has been convicted of a serious felony that is not also a violent felony if that person can prove to the sentencing court of the offense in question, by clear and convincing evidence, that he or she has been rehabilitated for the purposes of school employment for at least one year. If the offense in question occurred outside this state, then the person may seek a finding of rehabilitation from the court in the school district in which he or she is a resident.

(g) Notwithstanding any other provision of law, when the Department of Justice notifies a school district by telephone that a current temporary, substitute, or probationary employee who has not attained permanent status, has been convicted of a violent or serious felony, that employee shall immediately be placed on leave without pay. When the school district receives written notification of the fact of conviction from the Department of Justice, the employee shall be terminated automatically and without regard to any other procedure for termination specified in this code or school district procedures unless the employee challenges the record of the Department of Justice and the Department of Justice withdraws in writing its notification to the school district. Upon receipt of written withdrawal of notification from the Department of Justice, the employee shall immediately be reinstated with full restoration of salary and benefits for the period of time from the suspension without pay to the reinstatement.

(h) Notwithstanding Section 47610, this section applies to a charter school.
45123. (a) No person shall be employed or retained in employment by a school district who has been convicted of any sex offense as defined in Section 44010. A plea or verdict of guilty, a finding of guilt by a court in a trial without jury, or a conviction following a plea of nolo contendere shall be deemed to be a conviction within the meaning of this subdivision.

(b) No person shall be employed or retained in employment by a school district, who has been convicted of a controlled substance offense as defined in Section 44011.

(c) If, however, a conviction is reversed and the person is acquitted of the offense in a new trial or the charges against him or her are dismissed, this section does not prohibit his or her employment thereafter.

(d) The governing board of a school district may employ a person convicted of a controlled substance offense if the governing board of the school district determines, from the evidence presented, that the person has been rehabilitated for at least five years.

The governing board shall determine the type and manner of presentation of the evidence, and the determination of the governing board as to whether or not the person has been rehabilitated is final.

45124. No person shall be employed or retained in employment by a school district who has been determined to be a sexual psychopath under the provisions of Article 1 (commencing with Section 6300), Chapter 2, Part 2, Division 6 of the Welfare and Institutions Code or under similar provisions of law of any other state. If, however, such determination is reversed and the person is determined not to be a sexual psychopath in a new proceeding or the proceeding to determine whether he is a sexual psychopath is dismissed, this section does not prohibit his employment thereafter.

45125. (a) (1) Except as provided in Section 45125.01, the governing board of any school district shall require each person to be employed in a position not requiring certification qualifications, except a secondary school pupil employed in a temporary or part-time position by the governing board of the school district having jurisdiction over the school attended by the pupil, to have two fingerprint cards bearing the legible rolled and flat impressions of the person's fingerprints together with a personal description of the applicant prepared by a local public law enforcement agency having jurisdiction in the area of the school district, which agency shall transmit the cards, together with the fee required by subdivision (f), to the Department of Justice; except that any district, or districts with a common board, may process the fingerprint cards if the district so elects.

(2) As used in this section, "local public law enforcement agency" includes any school district and as used in Section 45126 requires the Department of Justice to provide to any school district, upon application, information pertaining only to applicants for employment by the district, including applicants who are employees of another district.

(b) (1) Upon receiving the fingerprint cards, the Department of Justice shall ascertain whether the applicant has been arrested or convicted of any crime insofar as that fact can be ascertained from information available to the department and forward the information to the employing agency submitting the applicant's fingerprints no more than 15 working days after receiving the fingerprint cards. The Department of Justice shall not forward records of criminal proceedings that did not result in a conviction but shall forward information on arrests pending adjudication.

(2) Upon implementation of an electronic fingerprinting system with terminals located statewide and managed by the Department of Justice, the Department of Justice shall ascertain the information required pursuant to this subdivision within three working days. If the Department of Justice cannot ascertain the information required pursuant to this subdivision within three working days, the department shall notify the school district that it cannot so ascertain the required information. This notification shall be delivered by telephone or electronic mail to the school district. If a school district is notified by the Department of Justice that it...
cannot ascertain the required information about a person, the school district may not employ that person until the Department of Justice ascertains that information.

(3) In the case of a person to be employed in a position not requiring certification qualifications who is described in subparagraph (A) or (B), the school district shall request the Department of Justice to forward one copy of the fingerprint cards to the Federal Bureau of Investigation for the purpose of obtaining any record of previous convictions of the applicant.

(A) The person has not resided in the State of California for at least one year immediately preceding the person's application for employment.

(B) The person has resided for more than one year, but less than seven years, in the State of California and the Department of Justice has ascertained that the person was convicted of a sex offense where the victim was a minor or a drug offense where an element of the offense is either the distribution to, or the use of a controlled substance by, a minor.

(c) The governing board of a school district shall not employ a person until the Department of Justice completes its check of the state criminal history file as set forth in this section and Sections 45125.5 and 45126, except that this subdivision does not apply to secondary school pupils who are to be employed in a temporary or part-time position by the governing board of the school district having jurisdiction over the school they attend.

(d) The governing board of each district shall maintain a list indicating the number of current employees, except secondary school pupils employed in a temporary or part-time position by the governing board of the school district having jurisdiction over the school they attend, who have not completed the requirements of this section. The Department of Justice shall process these cards within 30 working days of their receipt and any cards in its possession on the date of the amendment of this section by Assembly Bill 1610 of the 1997-98 Regular Session within 30 working days of that date. School districts that have previously submitted identification cards for current employees to either the Department of Justice or the Federal Bureau of Investigation shall not be required to further implement the provisions of this section as it applies to those employees.

(e) A plea or verdict of guilty or a finding of guilt by a court in a trial without a jury or forfeiture of bail is deemed to be a conviction within the meaning of this section, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing the withdrawal of the plea of guilty and entering of a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusations or information.

(f) (1) The school district shall provide the means whereby the fingerprint cards may be completed and may charge a fee determined by the Department of Justice to be sufficient to reimburse the department for the costs incurred in processing the application. The amount of the fee shall be forwarded to the Department of Justice with the required copies of applicant's fingerprint cards. The governing board may collect a reasonable fee payable to the local public law enforcement agency taking the fingerprints and completing the data on the fingerprint cards. In no event shall the fee exceed the actual costs incurred by the agency.

(2) The additional fees shall be transmitted to the city or county treasury. If an applicant is subsequently hired by the board within 30 days of the application, the fee may be reimbursed to the applicant. Funds not reimbursed to applicants shall be credited to the general fund of the district. If the fingerprint cards forwarded to the Department of Justice are those of a person already in the employ of the governing board, the district shall pay the fee required by this section, which fee shall be a proper charge against the general fund of the district, and no fee shall be charged the employee.

(g) This section applies to substitute and temporary employees regardless of length of employment.

(h) Subdivision (c) of this section shall not apply to a person to be employed if a school district determines that an emergency or an exceptional situation exists, and that a delay in filling the position in which the person would be employed would endanger pupil health or safety.

(i) Where reasonable access to the statewide, electronic fingerprinting network is available, the Department of Justice may mandate electronic submission of the fingerprints and related information required by this section.
(j) A school district shall request subsequent arrest service from the Department of Justice as provided under Section 11105.2 of the Penal Code.

(k) All information obtained from the Department of Justice is confidential. Each agency handling Department of Justice information shall ensure the following:

1. No recipient may disclose its contents or provide copies of information.
2. Information received shall be stored in a locked file separate from other files, and shall only be accessible to the custodian of records.
3. Information received shall be destroyed upon the hiring determination in accordance with subdivision (a) of Section 708 of Title 11 of the California Code of Regulations.
4. Compliance with destruction, storage, dissemination, auditing, backgrounding, and training requirements as set forth in Sections 700 through 708, inclusive, of Title 11 of the California Code of Regulations and Section 11077 of the Penal Code governing the use and security of criminal offender record information is the responsibility of the entity receiving the information from the Department of Justice.

(l) Notwithstanding any other provision of law, the Department of Justice shall process pursuant to this section all requests from a school district, an employer, or a human resource agency for criminal history information on a volunteer to be used in a school.

45125.01. (a) If a person is an applicant for employment, or is employed on a part-time or substitute basis, in a position not requiring certification qualifications, or is a noncertificated candidate assuming a paid or volunteer position in accordance with Section 49024, in multiple school districts within a county or within contiguous counties, the school districts may agree among themselves to designate a single district, or a county superintendent may agree to act on behalf of participating districts within the county or contiguous counties, for the purposes of performing the following duties:

1. Sending fingerprints to the Department of Justice.
2. Receiving reports of convictions of serious and violent felonies, criminal history records, and reports of subsequent arrests from the Department of Justice.

(b) The school district or county superintendent serving in the capacity authorized in subdivision (a) shall be considered the employer for purposes of subdivisions (a) and (f) of Section 45125.

(c) Upon receipt from the Department of Justice of a report of conviction of a serious or violent felony, the designated school district or county superintendent shall communicate that fact to the participating districts and remove the affected employee from the common list of persons eligible for employment.

(d) Upon receipt from the Department of Justice of a criminal history record or report of subsequent arrest for any person on a common list of persons eligible for employment, the designated school district or county superintendent shall give notice to the superintendent of any participating district or a person designated in writing by that superintendent, that the report is available for inspection on a confidential basis by the superintendent or authorized designee, at the office of the designated school district or county superintendent, for a period of 30 days following receipt of notice to enable the employing school district to determine whether the employee meets that district's criteria for continued employment. The designated school district or county superintendent shall not release a copy of that information to any participating district or any other person, shall retain or dispose of the information in the manner required by law after all participating districts have had an opportunity to inspect it in accordance with this section, and shall maintain a record of all persons to whom the information has been shown that shall be available to the Department of Justice to monitor compliance with the requirements of confidentiality contained in this section.

(e) Any agency processing Department of Justice responses pursuant to this section shall submit an interagency agreement to the Department of Justice to establish authorization to submit and receive information pursuant to this section.
(f) All information obtained from the Department of Justice is confidential. Every agency handling Department of Justice information shall ensure the following:

1. A recipient shall not disclose its contents or provide copies of information.
2. Information received shall be stored in a locked file separate from other files, and shall only be accessible to the custodian of records.
3. Information received shall be destroyed upon the hiring determination in accordance with subdivision (a) of Section 708 of Title 11 of the California Code of Regulations.
4. Compliance with destruction, storage, dissemination, auditing, backgrounding, and training requirements as set forth in Sections 701 to 708, inclusive, of Title 11 of the California Code of Regulations and Section 11077 of the Penal Code governing the use and security of criminal offender record information is the responsibility of the entity receiving the information from the Department of Justice.

45125.1. (a) Except as provided in subdivisions (b) and (c), if the employees of any entity that has a contract with a school district, as defined in Section 41302.5, to provide any of the following services may have any contact with pupils, those employees shall submit or have submitted their fingerprints in a manner authorized by the Department of Justice together with a fee determined by the Department of Justice to be sufficient to reimburse the department for its costs incurred in processing the application:

1. School and classroom janitorial.
2. Schoolsite administrative.
3. Schoolsite grounds and landscape maintenance.
4. Pupil transportation.
5. Schoolsite food-related.

(b) This section shall not apply to an entity providing any of the services listed in subdivision (a) to a school district in an emergency or exceptional situation, such as when pupil health or safety is endangered or when repairs are needed to make school facilities safe and habitable.

(c) This section shall not apply to an entity providing any of the services listed in subdivision (a) to a school district when the school district determines that the employees of the entity will have limited contact with pupils. In determining whether a contract employee has limited contact with pupils, the school district shall consider the totality of the circumstances, including factors such as the length of time the contractors will be on school grounds, whether pupils will be in proximity with the site where the contractors will be working, and whether the contractors will be working by themselves or with others. If a school district has made this determination, the school district shall take appropriate steps to protect the safety of any pupils that may come in contact with these employees.

(d) A school district may determine, on a case-by-case basis, to require an entity providing schoolsite services other than those listed in subdivision (a) or those described in Section 45125.2 and the entity’s employees to comply with the requirements of this section, unless the school district determines that the employees of the entity will have limited contact with pupils. In determining whether a contract employee will have limited contact with pupils, the school district shall consider the totality of the circumstances, including factors such as the length of time the contractors will be on school grounds, whether pupils will be in proximity with the site where the contractors will be working, and whether the contractors will be working by themselves or with others. If a school district makes this determination, the school district shall take appropriate steps to protect the safety of any pupils that may come in contact with these employees.

(e) (1) The Department of Justice shall ascertain whether the individual whose fingerprints were submitted to it pursuant to subdivision (a) has been arrested or convicted of any crime insofar as that fact can be ascertained from information available to the department. Upon implementation of an electronic fingerprinting system with terminals located statewide and
managed by the Department of Justice, the department shall ascertain the information required pursuant to this section within three working days. When the Department of Justice ascertains that an individual whose fingerprints were submitted to it pursuant to subdivision (a) has a pending criminal proceeding for a felony as defined in Section 45122.1 or has been convicted of a felony as defined in Section 45122.1, the department shall notify the employer designated by the individual of that fact. The notification shall be delivered by telephone or electronic mail to the employer.

(2) The Department of Justice, at its discretion, may notify the school district in instances when the employee is defined as having a pending criminal proceeding described in Section 45122.1 or has been convicted of a felony as defined in Section 45122.1.

(3) The Department of Justice may forward one copy of the fingerprints to the Federal Bureau of Investigation to verify any record of previous arrests or convictions of the applicant. The Department of Justice shall review the criminal record summary it obtains from the Federal Bureau of Investigation and shall notify the employer only as to whether or not an applicant has any convictions or arrests pending adjudication for offenses which, if committed in California, would have been punishable as a violent or serious felony. The Department of Justice shall not provide any specific offense information received from the Federal Bureau of Investigation. The Department of Justice shall provide written notification to the contract employer only concerning whether an applicant for employment has any conviction or arrest pending final adjudication for any of those crimes, as specified in Section 45122.1, but shall not provide any information identifying any offense for which an existing employee was convicted or has an arrest pending final adjudication.

(f) An entity having a contract as specified in subdivision (a) and an entity required to comply with this section pursuant to subdivision (d) shall not permit an employee to come in contact with pupils until the Department of Justice has ascertained that the employee has not been convicted of a felony as defined in Section 45122.1.

(1) This prohibition does not apply to an employee solely on the basis that the employee has been convicted of a felony if the employee has obtained a certificate of rehabilitation and pardon pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code.

(2) This prohibition does not apply to an employee solely on the basis that the employee has been convicted of a serious felony that is not also a violent felony if that employee can prove to the sentencing court of the offense in question, by clear and convincing evidence, that he or she has been rehabilitated for the purposes of schoolsite employment for at least one year. If the offense in question occurred outside this state, then the person may seek a finding of rehabilitation from the court in the school district in which he or she is resident.

(g) An entity having a contract as specified in subdivision (a) and an entity required to comply with this section pursuant to subdivision (d) shall certify in writing to the school district that neither the employer nor any of its employees who are required by this section to submit or have their fingerprints submitted to the Department of Justice and who may come in contact with pupils have been convicted of a felony as defined in Section 45122.1.

(h) An entity having a contract as specified in subdivision (a) on the effective date of this section and an entity required to comply with this section pursuant to subdivision (d) by a school district with which it has a contract on the effective date of the amendments made to this section during the 1997-98 Regular Session shall complete the requirements of this section within 90 days of that date.

(i) For purposes of this section, a charter school shall be deemed to be a school district.

(j) Where reasonable access to the statewide electronic fingerprinting network is available, the Department of Justice may mandate electronic submission of the fingerprint cards and other information required by this section.

45125.2. (a) A school district contracting with an entity for the construction, reconstruction, rehabilitation, or repair of a school facility where the employees of the entity will have contact,
other than limited contact, with pupils shall ensure the safety of the pupils by one or more of the following methods:

(1) The installation of a physical barrier at the worksite to limit contact with pupils.

(2) Continual supervision and monitoring of all employees of the entity by an employee of the entity whom the Department of Justice has ascertained has not been convicted of a violent or serious felony. For purposes of this paragraph, an employee of the entity may submit his or her fingerprints to the Department of Justice pursuant to subdivision (a) of Section 45125.1 and the department shall comply with subdivision (d) of Section 45125.1.

(3) Surveillance of employees of the entity by school personnel.

(b) An entity that contracts with a school district for the construction, reconstruction, rehabilitation, or repair of a school facility is not required to comply with the requirements of Section 45125.1 if one or more of the methods described in subdivision (a) is utilized.

(c) For purposes of this section, a violent felony is any felony listed in subdivision (c) of Section 667.5 of the Penal Code and a serious felony is any felony listed in subdivision (c) of Section 1192.7 of the Penal Code.

(d) This section shall not apply to an entity providing construction, reconstruction, rehabilitation, or repair services to a school district in an emergency or exceptional situation, such as when pupil health or safety is endangered or when repairs are needed to make school facilities safe and habitable.

45125.5. A school district or county office of education may request that a local law enforcement agency conduct an automated records check of a prospective noncertificated employee in order to ascertain whether the prospective noncertificated employee has a criminal record. If the local law enforcement agency agrees to provide that automated records check, the results therefrom shall be returned to the requesting district or county office of education within 72 hours of the written request. A local law enforcement agency may charge a fee to the requesting agency not to exceed the actual expense to the law enforcement agency. For purposes of this section, "prospective noncertificated employee" includes only those applicants whom the requesting school district intends to hire, at the time the automated records check is requested.

45126. Any provision of law to the contrary notwithstanding, the Department of Justice, shall, as provided in Section 45125, furnish, upon application of a local public law enforcement agency all information pertaining to any such person of whom there is a record in its office.

45347. (a) An instructional aide shall not be deemed a certificated employee for the purposes of apportioning state aid and no regrouping of pupils with instructional aides shall be construed as a class for apportionment purposes.

(b) Instructional aides shall be classified employees of the district, and shall be subject to all of the rights, benefits, and burdens of the classified service, except as specified in Section 45105 for "restricted" positions.

45348. The school district shall pay to each person employed as an instructional aide compensation at a rate not less than the minimum hourly rate prescribed by federal law.

45349. Notwithstanding the provisions of this article, or any other provisions of law, a school district may utilize volunteers in the supervision and instruction of pupils, but any such volunteer shall be subject to the provisions of Section 35021 and this article.
49024. (a) Prior to assuming a paid or volunteer position to work with pupils in a pupil activity program sponsored by a school district, all noncertificated candidates shall obtain an Activity Supervisor Clearance Certificate from the Commission on Teacher Credentialing pursuant to subdivision (f) of Section 44258.7.

(b) A pupil activity program sponsored by a school district includes, but is not limited to, scholastic programs, interscholastic programs, and extracurricular activities sponsored by a school district or school booster club, including, but not limited to, cheer team, drill team, dance team, and marching band.

(c) Volunteer supervisors for breakfast, lunch, or other nutritional periods pursuant to Sections 44814 and 44815, and nonteaching volunteer aides, as defined in Section 35021, under the immediate supervision and direction of certificated personnel of the district, shall not be required to obtain an Activity Supervisor Clearance Certificate. For purposes of this section, a nonteaching volunteer aide includes a parent volunteering in a classroom or on a field trip or a community member providing noninstructional services.

(d) Candidates may be issued a temporary certificate in accordance with Sections 44332 and 44332.5 while the application is being processed.

(e) This section does not apply to a candidate who is required by the school district to clear a Department of Justice and Federal Bureau of Investigation criminal background check prior to beginning the paid or volunteer activities described in subdivision (a).

(f) This section shall become operative on July 1, 2010.

35021. (a) Notwithstanding any other law, any person, except a person required to register as a sex offender pursuant to Section 290 of the Penal Code, may be permitted by the governing board of any school district to perform the duties specified in Section 44814 or 44815, or to serve as a nonteaching volunteer aide under the immediate supervision and direction of the certificated personnel of the district to perform noninstructional work which serves to assist the certificated personnel in performance of teaching and administrative responsibilities. With respect to this noninstructional work, the nonteaching volunteer aide shall serve without compensation of any type or other benefits accorded to employees of the district, except as provided in Section 3364.5 of the Labor Code.

(b) No district may abolish any of its classified positions and utilize volunteer aides, as authorized herein, in lieu of classified employees who are laid off as a result of the abolition of a position. A district shall not refuse to employ a person in a vacant classified position and use volunteer aides in lieu of filling the classified position.

(c) It is the intent of the Legislature to permit school districts to use volunteer aides to enhance its educational program but not to permit displacement of classified employees nor to allow districts to utilize volunteers in lieu of normal employee requirements.

35021.1. A school district or county office of education may request that a local law enforcement agency conduct an automated records check of a prospective nonteaching volunteer aide in order to ascertain whether the prospective nonteaching volunteer aide has been convicted of any sex offense as defined in Section 44010. A plea or verdict of guilty, a finding of guilt by a court in a trial without jury, or a conviction following a plea of nolo contendere shall be deemed to be a conviction within the meaning of this section. If the local law enforcement agency agrees to provide that automated records check, the results therefrom shall be returned to the requesting district or county office of education within 72 hours of the written request. A local law enforcement agency may charge a fee to the requesting agency not to exceed the actual expense to the law enforcement agency.
35021.2. (a) When a school district or county office of education pursuant to Section 11105.3 of
the Penal Code requests from the Department of Justice records involving criminal offenses
committed by a prospective volunteer, the school district or county office of education may
request that the Department of Justice provide subsequent arrest notification service pursuant
to Section 11105.2 of the Penal Code. The Department of Justice shall comply with a request
made pursuant to this section.

(b) This section also applies to a person, firm, association, partnership, or corporation offering
or conducting private school instruction on the elementary or high school level that requests,
pursuant to Section 11105.3 of the Penal Code, records involving criminal offenses committed
by a prospective volunteer.

35021.3. (a) A school district or a county office of education may establish a registry of
volunteer after school physical recreation instructors and other before and after school program
volunteers.

(b) (1) To be included on a registry established pursuant to this section, a prospective
registrant shall submit to a criminal background check pursuant to Section 45125. The
prospective registrant shall also submit current contact information to the school district or
county office maintaining the registry and shall update that information whenever the information
changes.

(2) A school, school district, or county office of education may contribute funds to pay for all or
part of the cost of a criminal background check required of a prospective registrant pursuant to
paragraph (1).

(c) A school district or county office maintaining a registry may impose other requirements on
prospective registrants, including, but not limited to, certification in cardiopulmonary
resuscitation.

(d) Upon approval of the person acting as the coordinator of, or overseeing, the after school
activities of the school, a school under the jurisdiction of a school district or county office of
education maintaining a registry may allow a volunteer registered with the school district or
county office to provide instruction in physical recreation to pupils after school hours or provide
other services.

(e) This section does not require a school district or county office of education to establish or
maintain a registry and does not require a school to use a volunteer from a registry to provide
instruction in physical recreation to pupils after school hours or provide other services.

(f) Instruction in physical recreation provided to a pupil by a volunteer pursuant to subdivision
(d) shall not be counted toward satisfaction of either the physical education course requirements
for graduation from high school pursuant to Section 51225.3 or the number of minutes of
instruction in physical education required pursuant to Section 51210, 51222, or 51223, as
applicable.
An act relating to athletic coaches; defining the terms "athletic coach" and "independent sanctioning authority"; requiring the independent sanctioning authority of a youth athletic team to screen the background of current and prospective athletic coaches through designated state and federal sex offender registries; providing that a commercial consumer reporting agency screening that meets specified requirements complies with screening requirements; requiring the independent sanctioning authority to disqualify any athletic coach appearing on a registry; requiring the independent sanctioning authority to provide a disqualified athletic coach with written notice; requiring the independent sanctioning authority to maintain documentation of screening results and disqualification notices; providing a rebuttable presumption that an independent sanctioning authority did not negligently authorize an athletic coach for purposes of a civil action for an intentional tort relating to alleged sexual misconduct by the athletic coach if the authority complied with the screening and disqualification requirements; encouraging independent sanctioning authorities for youth athletic teams to participate in the Volunteer and Employee Criminal History System; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

CODING: Words struck are deletions; words underlined are additions.
Section 1. Athletic coaches for independent sanctioning authorities.—

(1) As used in this section, the term:
(a) "Athletic coach" means a person who:
1. Is authorized by an independent sanctioning authority to work for 20 or more hours within a calendar year, whether for compensation or as a volunteer, for a youth athletic team based in this state; and
2. Has direct contact with one or more minors on the youth athletic team.
(b) "Independent sanctioning authority" means a private, nongovernmental entity that organizes, operates, or coordinates a youth athletic team in this state if the team includes one or more minors and is not affiliated with a private school as defined in s. 1002.01, Florida Statutes.

(2) An independent sanctioning authority shall:
(a). Conduct a background screening of each current and prospective athletic coach. No person shall be authorized by the independent sanctioning authority to act as an athletic coach after July 1, 2010, unless a background screening has been conducted and did not result in disqualification under paragraph (b). Background screenings shall be conducted annually for each athletic coach. For purposes of this section, a background screening shall be conducted with a search of the athletic coach’s name or other identifying information against state and federal registries of sexual predators and sexual offenders, which are available to the public on Internet sites provided by:
   a. The Department of Law Enforcement under s. 943.043,
Florida Statutes; and

b. The Attorney General of the United States under 42
U.S.C. s. 16920.

2. For purposes of this section, a background screening
conducted by a commercial consumer reporting agency in
compliance with the federal Fair Credit Reporting Act using the
identifying information referenced in subparagraph 1. and that
includes searching that information against the sexual predator
and sexual offender Internet sites listed in sub-subparagraphs
1.a. and b. shall be deemed in compliance with the requirements
of this section.

   (b) Disqualify any person from acting as an athletic coach
   if he or she is identified on a registry described in paragraph
   (a).

   (c) Provide, within 7 business days following the
   background screening under paragraph (a), written notice to a
   person disqualified under this section advising the person of
   the results and of his or her disqualification.

   (d) Maintain documentation of:

   1. The results for each person screened under paragraph
      (a); and

   2. The written notice of disqualification provided to each
      person under paragraph (c).

3. In a civil action for the death of, or injury or damage
to, a third person caused by the intentional tort of an athletic
coach that relates to alleged sexual misconduct by the athletic
coach, there is a rebuttable presumption that the independent
sanctioning authority was not negligent in authorizing the
athletic coach if the authority complied with the background
screening and disqualification requirements of subsection (2) prior to such authorization.

(4) The Legislature encourages independent sanctioning authorities for youth athletic teams to participate in the Volunteer and Employee Criminal History System, as authorized by the National Child Protection Act of 1993 and s. 943.0542, Florida Statutes.

Section 2. This act shall take effect July 1, 2010.
Subdivision 1. **Background check required.** (a) A school hiring authority shall request a criminal history background check from the superintendent of the Bureau of Criminal Apprehension on all individuals who are offered employment in a school and on all individuals, except enrolled student volunteers, who are offered the opportunity to provide athletic coaching services or other extracurricular academic coaching services to a school, regardless of whether any compensation is paid. In order for an individual to be eligible for employment or to provide the services, the individual must provide an executed criminal history consent form and a money order or check payable to either the Bureau of Criminal Apprehension or the school hiring authority, at the discretion of the school hiring authority, in an amount equal to the actual cost to the Bureau of Criminal Apprehension and the school district of conducting the criminal history background check. A school hiring authority deciding to receive payment may, at its discretion, accept payment in the form of a negotiable instrument other than a money order or check and shall pay the superintendent of the Bureau of Criminal Apprehension directly to conduct the background check. The superintendent of the Bureau of Criminal Apprehension shall conduct the background check by retrieving criminal history data as defined in section 13.87. A school hiring authority, at its discretion, may decide not to request a criminal history background check on an individual who holds an initial entrance license issued by the State Board of Teaching or the commissioner of education within the 12 months preceding an offer of employment.

(b) A school hiring authority may use the results of a criminal background check conducted at the request of another school hiring authority if:

1. the results of the criminal background check are on file with the other school hiring authority or otherwise accessible;
2. the other school hiring authority conducted a criminal background check within the previous 12 months;
3. the individual who is the subject of the criminal background check executes a written consent form giving a school hiring authority access to the results of the check; and
4. there is no reason to believe that the individual has committed an act subsequent to the check that would disqualify the individual for employment.

(c) A school hiring authority may, at its discretion, request a criminal history background check from the superintendent of the Bureau of Criminal Apprehension on any individual who seeks to enter a school or its grounds for the purpose of serving as a school volunteer or working as an independent contractor or student employee. In order for an individual to enter a school or its grounds under this paragraph when the school hiring authority decides to request a criminal history background check on the individual, the individual first must provide an executed criminal history consent form and a money order, check, or other negotiable instrument payable to the school district in an amount equal to the actual cost to the Bureau of Criminal Apprehension and the school district of conducting the criminal history background check. Notwithstanding section 299C.62, subdivision 1, the cost of the criminal history background check under this paragraph is the responsibility of the individual unless a school hiring authority decides to pay the costs of conducting a background check under this paragraph. If the school hiring authority pays the costs, the individual who is the subject of the background check need not pay for it.
(d) For all nonstate residents who are offered employment in a school, a school hiring authority shall request a criminal history background check on such individuals from the superintendent of the Bureau of Criminal Apprehension and from the government agency performing the same function in the resident state or, if no government entity performs the same function in the resident state, from the Federal Bureau of Investigation. Such individuals must provide an executed criminal history consent form and a money order, check, or other negotiable instrument payable to the school hiring authority in an amount equal to the actual cost to the government agencies and the school district of conducting the criminal history background check. Notwithstanding section 299C.62, subdivision 1, the cost of the criminal history background check under this paragraph is the responsibility of the individual.

(e) At the beginning of each school year or when a student enrolls, a school hiring authority must notify parents and guardians about the school hiring authority’s policy requiring a criminal history background check on employees and other individuals who provide services to the school, and identify those positions subject to a background check and the extent of the hiring authority’s discretion in requiring a background check. The school hiring authority may include the notice in the student handbook, a school policy guide, or other similar communication. Nothing in this paragraph affects a school hiring authority’s ability to request a criminal history background check on an individual under paragraph (c).

Subd. 1a. Investigation of disciplinary actions taken against prospective teachers. (a) At the time a school board or other hiring authority conducts the criminal history background check required under subdivision 1 on an individual offered employment as a teacher, the school board or other hiring authority must contact the Board of Teaching to determine whether the board has taken disciplinary action against the teacher. The school board or other hiring authority must obtain access to data that are public under section 13.41, subdivision 5, from the Board of Teaching that relate to the substance of the disciplinary action. In addition, the school board or other hiring authority must require the individual to provide information in the employment application regarding all current and previous disciplinary actions in Minnesota and other states taken against the individual’s teaching license and indicate to the applicant that intentionally submitting false or incomplete information is a ground for dismissal.

(b) For purposes of this subdivision, "disciplinary action" does not include an action based on court-ordered child support or maintenance payment arrearages under section 214.101 or delinquent state taxes under section 270C.72.

Subd. 2. Effect of background check or Board of Teaching action. (a) A school hiring authority may hire or otherwise allow an individual to provide a service to a school pending completion of a background check under subdivision 1 or obtaining notice of a Board of Teaching action under subdivision 1a but shall notify the individual that the individual’s employment or other service may be terminated based on the result of the background check or Board of Teaching action. A school hiring authority is not liable for failing to hire or for terminating an individual's employment or other service based on the result of a background check or Board of Teaching action under this section.

(b) For purposes of this paragraph, a school hiring authority must inform an individual if the individual's application to be an employee or volunteer in the district has been denied as a result of a background check conducted under this section. The school hiring authority must also inform an individual who is a current employee or volunteer if the individual's employment or volunteer status in the district is being terminated as a result of a background check conducted under subdivision 4.

Subd. 3. Definitions. For purposes of this section:
(a) "School" means a school as defined in section 120A.22, subdivision 4, except a home school, and includes a school receiving tribal contract or grant school aid under section 124D.83; school, for the purposes of this section, also means a service cooperative, a special education cooperative, or an education district under Minnesota Statutes 1997 Supplement, section 123.35, a charter school under section 124D.10, an intermediate school district under section 136D.01, and a joint powers district under section 471.59.

(b) "School hiring authority" means the school board, or in the case of a nonpublic school, the school principal or other person having general control and supervision of the school.

(c) "Security violation" means failing to prevent or failing to institute safeguards to prevent the access, use, retention, or dissemination of information in violation of the security and management control outsourcing standard established by the state compact officer under section 299C.58, article I, paragraph (2), clause (B).

Subd. 4. Third-party contractors; responsibility for criminal history record information. (a) For purposes of this section, a school hiring authority may contract with an eligible third party to conduct the criminal history background check required under subdivision 1. Before entering into the contract, the school hiring authority must:

(1) provide the state compact officer with the name of the proposed third-party contractor and a copy of the proposed contract;

(2) determine from the state compact officer whether the proposed contractor has committed a security violation; and

(3) request and receive permission from the state compact officer to enter into the contract with the proposed contractor.

A third-party contractor that has committed a security violation is ineligible to participate under this section.

(b) The contract must specify the purposes for which the background check information may be made available and incorporate into the contract by reference the management control outsourcing standard referred to in subdivision 3, paragraph (c). A third-party contractor under this section is subject to section 13.05, subdivision 11.

(c) A school hiring authority must inform an individual who is the subject of a criminal history background check that the individual has the right to request and obtain from the school hiring authority a copy of the background check report. A school hiring authority may charge the individual for the actual cost of providing a copy of the report. An individual who is the subject of a criminal history background check has the right to challenge the accuracy and completeness of information contained in the background check report under section 13.04, subdivision 4.

History: 1995 c 226 art 3 s 2; 1996 c 412 art 9 s 2,3; 1997 c 99 s 1; 1998 c 397 art 6 s 124; art 11 s 3; 1998 c 398 art 5 s 55; 1Sp2001 c 6 art 2 s 18; 2003 c 130 s 12; 2008 c 275 s 1; 2008 c 315 s 12-14; 2008 c 369 s 1-3; 2009 c 59 art 6 s 4; 2009 c 96 art 2 s 32; 2009 c 115 s 1
OHIO LAW: Notice to Cleveland Metroparks Volunteers

Thank you for your interest in volunteering with Cleveland Metroparks. Volunteers provide an important role in the programs of the Park District and your contributions are valued and appreciated.

This sheet is to share information and requirements about Senate Bill 187 which was signed into law on March 22, 2001 by Governor Bob Taft. This law outlines requirements for adult volunteers who regularly interact with children. The law seeks to protect children by establishing a mechanism to conduct criminal background checks on volunteers who regularly have "unsupervised" access to children. This is the same type of background check that currently is required by teachers, day-care workers and school bus drivers.

As an organization that provides services to youth and that utilizes volunteers, Cleveland Metroparks created a procedure to abide by these requirements. This law also requires that Cleveland Metroparks notify all volunteers within the organization about these requirements.

Many children take advantage of Cleveland Metroparks programs and facilities, therefore, part of your activities may require you to have unsupervised access to children during the course of your volunteer work. Cleveland Metroparks requirements include conducting fingerprinting, a criminal background investigation and/or drug screening of all volunteers who will have regular unsupervised access to children (as determined in the volunteer position description); additionally Cleveland Metroparks may follow the same procedures for volunteers with any access to children, whether supervised or unsupervised.

The Park District's objective is to provide quality learning experiences within a safe environment for all participants. These activities are made possible because of dedicated volunteers like yourself. Following is a list of offenses, in conjunction with Senate Bill 187, which Cleveland Metroparks uses to determine disqualification of a candidate.

Please contact Heather Triplett, Manager of Volunteer Services, at 216-635-3258 with any questions.

    Thank you

Senate Bill 187: Offenses listed under Section 109.572 (A)(1)

Aggravated murder; specific intent to cause death
Murder
Voluntary manslaughter
Involuntary manslaughter
Felonious assault
Aggravated assault
Assault
Failing to provide for functionally impaired person
Aggravated menacing
Patient abuse, neglect
Kidnapping
Abduction
Child stealing
Child enticement
Rape
Sexual battery
Corruption of a minor
Gross sexual imposition
Sexual imposition
Impositioning (now importuning)
Voyeurism
Public indecency
Felonious sexual penetration
Compelling prostitution
Promoting prostitution (children)
Procuring
Procuring
Prostitution: after positive HIV test
Disseminating matter harmful to juveniles
Pandering obscenity
Pandering obscenity involving a minor
Pandering sexually oriented matter involving a minor
Illegal use of a minor in nudity oriented material or performance
Aggravated robbery
Robbery
Aggravated burglary
Burglary
Unlawful abortion
Endangering children
Interference with custody
Contributing to the unruliness or delinquency of a child
Domestic violence
Carrying concealed weapons
Having a weapon while under a disability
Improperly discharging a weapon at or near a school or dwelling
Corrupting another with drugs
Trafficking in drugs
Illegal manufacture of drugs or cultivation of marijuana
Funding of drug or marijuana trafficking
Illegal administration or distribution of anabolic steroids
Possession of drugs (that is not a minor drug possession offense)
Placing harmful objects in food or confection
And any “substantially equivalent offense.”
ASSEMBLY, No. 1352

STATE OF NEW JERSEY

215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:
Assemblyman DAVID P. RIBLE
District 30 (Monmouth and Ocean)
Assemblyman RUBEN J. RAMOS, JR.
District 33 (Hudson)

SYNOPSIS
Requires criminal history record background checks on certain volunteer sports personnel.

CURRENT VERSION OF TEXT
Introduced Pending Technical Review by Legislative Counsel
AN ACT requiring criminal history record background checks on certain volunteer sports personnel and supplementing Title 53 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. As used in this act:
   a. "Commissioner" means the Commissioner of Community Affairs.
   b. "Department" means the Department of Community Affairs.
   c. "Sports team" means a sports team which is organized or performing pursuant to a nonprofit or similar charter or which is a member team in a league organized by or affiliated with a county or municipal recreation department with team members under 16 years of age.
   d. "Sports team management" means the person or persons responsible for selecting volunteer sports officials.
   e. "Volunteer sports official" means a person serving as an athletic coach, manager or official, other than an official accredited by a voluntary association as provided by P.L.1979, c.172 (C.18A:11-3) for a sports team.

2. a. The management of a sports team shall request, through the department, that the State Bureau of Identification in the Division of State Police conduct a criminal history record background check on each prospective and current volunteer sports official, including a name and fingerprint identification check, to ascertain whether the person has a record of criminal history.
   b. If a prospective or current volunteer sports official refuses to consent to or cooperate in the securing of a criminal history record background check, the person shall not be considered for the position.
   c. The Division of State Police in the Department of Law and Public Safety shall conduct a criminal history record background check only upon receipt of the person's written consent. The cost of the background check shall be waived.
   d. For the purpose of conducting the criminal history record background check, the division shall examine its own files and arrange for a similar examination by federal authorities. The division shall forward the information obtained to the sports team management.

3. a. The prospective or current volunteer sports official shall submit his name, address, fingerprints, and written consent to the sports team management for the background check to be performed. The sports team management shall supply this documentation to the commissioner, who shall coordinate the criminal history
background check.

b. The commissioner is authorized to exchange fingerprint data
with, and receive criminal history record information from, the
Federal Bureau of Investigation, Identification Section, the Division
of State Police, Bureau of Identification and the Pretrial
Intervention Program, for use by sports teams.

4. The department shall act as a clearinghouse for the collection
and the dissemination of information obtained as a result of
conducting the criminal history record background check pursuant
to this act. The department shall promptly advise sports team
management officials of the information concerning a prospective
or current volunteer sports official.

5. a. If the information from the criminal history record
background check discloses that a prospective or current volunteer
sports official has a record of criminal history, the sports team
management shall review the information with respect to the type
and date of the criminal offense to determine if the person is fit to
serve as a volunteer sports official. Criminal offenses which can
render a person unfit to serve as a volunteer sports official include,
but are not limited to, any crime or offense, whether committed in
New Jersey or in another jurisdiction, which in New Jersey would
constitute a crime or offense involving violence, sexual offenses or
offenses involving the abuse, neglect or exploitation of a child.
b. Prior to determining whether the person is fit to serve as a
volunteer sports official, the sports team management shall advise
the person that the criminal history record background check has
been received and shall give the person the opportunity to review
the records, to offer an explanation concerning the information
contained therein and to submit additional pertinent information.
c. A person shall not be disqualified to serve as a volunteer
sports official on the basis of information contained in a criminal
history record background check if the person has demonstrated to
the sports team management officials clear and convincing evidence
of rehabilitation.

6. The commissioner, pursuant to the "Administrative Procedure
Act," P.L. 1968, c.410 (52:14B-1 et seq.), shall adopt rules and
regulations to effectuate the purposes of this act, including but not
limited to:
a. Guidelines for determining whether a person is fit to serve as
a volunteer sports official;
b. Procedures requiring sports teams to make documented, good
faith efforts to obtain information and recommendations concerning
the person's fitness to serve as a volunteer sports official;
c. Procedures for resolving disputes when a person is found
unfit to serve as a volunteer sports official;
d. Guidelines, to be developed after consultation with the
Attorney General, concerning access to information obtained as a
result of conducting a criminal history record background check.

7. This act shall take effect on the 60th day after enactment.

STATEMENT

This bill would require criminal history record background
checks on persons who are applicants or who currently serve as
volunteer sports officials for sports teams with members under 16
years of age at no cost to the volunteer sports official. Under this
bill, volunteer sports officials include coaches, managers or
officials of sports teams.

Volunteer sports officials hold positions which place them in
contact with minors. It is the sponsor's view that background
screening is one approach to preventing abuse of minors by
identifying persons with a history of crimes or offenses involving
minors or other vulnerable persons.

The background checks would be conducted by the Division of
State Police. The cost of the background check shall be waived.
The Department of Community Affairs would act as a
clearinghouse for the collection and dissemination of information
obtained as a result of the background check. Persons with criminal
records would have the opportunity to demonstrate their
rehabilitation and avoid disqualification.
References


Mode=Bills&SubMenu=1&Tab=session&B1_Mode=ViewBillInfo&BillNum=0150&Chamber=Senate&Year=2010&Title=-%3EBill%2520Info%3AS%25200150-%3ESession %25202010


The Issue

Youth sports leagues have inconsistent policies regarding background checks for their volunteers and coaches. While most leagues encourage conducting checks for all adults who work with their youth, the extent varies with little to no enforcement or accountability.

- Nearly 1 in 10 volunteer profiles have criminal records (of 10,436)
  50% of those do not disclose records on their volunteer application\(^1\)

- Nearly 40% committed an offense that precluded them from coaching children
  41% of those offenses were in another state
  56% of sexual abusers are acquaintances of either the child or the family \(^1\)

- 6% of applicants have criminal history of concern (of 68,000)
  "Disqualifying offenses" = serious drug & alcohol convictions (114), violent offenses (106), various other felonies (71), recent misdemeanors (49) and sex crimes (11)\(^1\)

- 159 coaches in one state have been fired or reprimanded for sexual misconduct
  At least 98 of those continued to coach or teach somewhere else\(^2\)

- Just $50 = estimated cost for a California Department of Justice background check\(^3\)

<table>
<thead>
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<th>States with background check laws:</th>
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<tr>
<td>✔ Florida</td>
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<tr>
<td>✔ Minnesota</td>
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Individuals with criminal histories, including violent crimes and crimes against children, are allowed to obtain and hold coaching positions in local leagues. Those leagues, both the local chapters and the umbrella leagues, are then also left vulnerable to charges of liability.

We are endangering our children’s safety and the valuable service of sports.

The Solution

We recommend a “Safe at School, Safe on the Field” state-wide policy requiring all California youth sports organizations to perform background checks and apply standards for their volunteers and coaches in accordance with California Public Education Code.

The Code requires that each person who provides direct supervision of children must be fingerprinted and clearance given prior to the activity.\(^4\) By implementing school policies for non-school sports, we increase safety for our children and the organizations, who may be found exempt from liability in the case of child abuse or improper conduct of their coaches.

"Youth sports are a ready-made resource pool for pedophiles, and we better all get our heads out of the sand before we ruin the games,"

-- Bob Bastarache, police officer turned private investigator\(^5\)
Case Study:
Norman Watson, a Little League coach in San Bernardino, was sentenced to 84 years in prison after pleading guilty to 39 counts of lewd acts with five children that occurred during the 1990s. Unknown to the parents or the local league—which did not conduct proper background checks on the coach—Watson was serving probation during his time as coach for a 1980 molestation offense, and had also previously undergone treatment in two state mental facilities for child molestation. Watson admits to abusing over 100 youth in his time a baseball coach. When brought to court, the National Little League was not held liable for Watson’s actions, but the local league who hired him, was.

Safe at School, Safe on the Field
The Advantages

Protecting our Children:
✓ increases safety of youth, whether participating in school sports or community sports
✓ ensures that all volunteers and coaches are held to the same standards, and our youth are equally safe in whichever league they participate

Protecting our Community Sports Programs:
✓ reduces the liability of individual leagues, league chapters, city/county parks and recreation programs, faith based sports leagues, or other related organizations
✓ protects the good standing of individual leagues within their communities and nationally
✓ consistency in background checks helps maintain a base cost

Members and Supporters
ABC Youth Sports is a coalition of individuals, organizations, government agencies, and community businesses who are advocating on the behalf of our communities’ youth and sports programs.

Coached into Silence film (pending)
Kingsview Behavioral Mental Health Systems
Lake Murray Little League, President David Gordon
Our Children Have Voices LLC
Rolando Little League, President Kevin Smith (pending)
San Diego East County Chamber of Commerce (pending)
Serra Mesa Little League, President Scott Lindbeck

See our website for more info. Contact us to have your name added!

References:
1. Brown, Nicholas, Criminals Continue to Try to Elude Background Checks and Coach Youth Sports, AthleticBusiness.com, 2010
3. California Department of Justice, Applicant Fingerprinting Fees.
5. Nack, William and Yaeger, Don; Every Parent’s Nightmare: Sports Illustrated September 33, 2009
6. Baker, Thomas A III: Case and statutory law regarding the liability of youth sport organizations for the pedophilic actions of youth sport coaches and officials based on the theories of respondent superior, negligent hiring, and negligent retention University of Florida, 2007
Safe at School, Safe on the Field
Fact Sheet
Updated Jan. 7, 2013

The Issue

Youth sports leagues have inconsistent policies regarding background checks for their volunteers and coaches. While most leagues encourage conducting checks for all adults who work with their youth, the extent varies with little to no enforcement or accountability.

- **Nearly 1 in 10** volunteer profiles have criminal records (of 10,436)
  - 50% of those do not disclose records on their volunteer application \(^1\)
- **Nearly 40%** committed an offense that precluded them from coaching children
  - 41% of those offenses were in another state
  - 56% of sexual abusers are acquaintances of either the child or the family \(^1\)
- **6% of applicants have criminal history of concern** (of 68,000)
  - "Disqualifying offenses" = serious drug & alcohol convictions (114), violent offenses (106), various other felonies (71), recent misdemeanors (49) and sex crimes (11) \(^1\)
- **159 coaches** in one state have been fired or reprimanded for sexual misconduct
  - At least **98 of those** continued to coach or teach somewhere else \(^2\)
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The Solution

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The Code requires that each person who provides direct supervision of children must be fingerprinted and clearance given prior to the activity. By implementing school policies for non-school sports, we increase safety for our children and the organizations, who may be found exempt from liability in the case of child abuse or improper conduct of their coaches.

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Safe at School, Safe on the Field

The Advantages

Protecting our Children:

✓ increases safety of youth, whether participating in school sports or community sports
✓ ensures that all volunteers and coaches are held to the same standards, and our youth are equally safe in whichever league they participate

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✓ reduces the liability of individual leagues, league chapters, city/county parks and recreation programs, faith based sports leagues, or other related organizations
✓ protects the good standing of individual leagues within their communities and nationally
✓ consistency in background checks helps maintain a base cost

“I didn’t want people finding out what was happening... I didn’t know what to say... He was my coach!... I was embarrassed about it... I’m still embarrassed about it.”
-- victim, 13 yr. old

"You scared these kids, took advantage of their innocence and suffocated them so they would not tell on you"
-- a parent

Members and Supporters

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3. California Department of Justice, Applicant Fingerprinting Fees.
5. Nack, William and Yaeger, Don; Every Parent’s Nightmare: Sports Illustrated September 23, 2009
6. Baker, Thomas A III: Case and statutory law regarding the liability of youth sport organizations for the pedophilic actions of youth sport coaches and officials based on the theories of respondent superior, negligent hiring, and negligent retention University of Florida, 2007

Contact Us:

Phone: 619 - 7 SPORT 6 (777-6786)
Email: info@abcyouthsports.org
Web: www.ABCYouthSports.org
Facebook: ABCYouthSports

Alliance for Background Checks in Youth Sports
The Issue
Youth sports leagues have inconsistent policies regarding background checks for their volunteers and coaches. While most leagues encourage conducting checks for all adults who work with their youth, the extent varies with little to no enforcement or accountability.

- Nearly 1 in 10 volunteer profiles have criminal records (of 10,436) and 50% do not disclose records on their volunteer application. 1
- Nearly 40% committed an offense that precluded them from coaching children. 41% of those offenses were in another state. 56% of sexual abusers are acquaintances of either the child or the family. 1
- 6% of applicants have criminal history of concern (of 68,000). "Disqualifying offenses" included serious drug and alcohol convictions (114), violent offenses (106), various other felonies (71), recent misdemeanors (49) and even sex crimes (11). 1
- 159 coaches have been fired or reprimanded, in Washington State alone, for sexual misconduct ranging from harassment to rape. At least 98 of those coaches continued to coach or teach somewhere else. 2
- Just $50 = estimated cost for a California Department of Justice background check. 3

Our California communities are losing...
Individuals with criminal histories, including violent crimes and crimes against children, are allowed to obtain and hold coaching positions in local leagues. Those leagues, both the local chapters and the umbrella leagues, are then also left vulnerable to charges of liability.

We are endangering our children’s safety and the valuable service of sports.

The Solution
We recommend a “Safe at School, Safe on the Field” state-wide policy requiring all California youth sports organizations to perform background checks and apply standards for their volunteers and coaches in accordance with California Public Education Code.

The Code requires that each person who provides direct supervision of children must be fingerprinted and clearance given prior to the activity. 4 By implementing school policies for non-school sports, we increase safety for our children and the organizations, who may be found exempt from liability in the case of child abuse or improper conduct of their coaches.
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Norm Watson, a Little League coach in San Bernardino, was sentenced to 84 years in prison after pleading guilty to 39 counts of lewd acts with five children that occurred during the 1990s. Unknown to the parents or the local league—which did not conduct proper background checks on the coach—Watson was serving probation during his time as coach for a 1980 molestation offense, and had also previously undergone treatment in two state mental facilities for child molestation. Watson admits to abusing over 100 youth in his time as a baseball coach. When brought to court, the National Little League was not held liable for Watson’s actions, but the local league who hired him, was.

Protecting our Children:
✓ increases safety of youth, whether participating in school sports or community sports.
✓ ensures that all volunteers and coaches are held to the same standards, and our youth are equally safe in whichever league they participate.

Protecting our Community Sports Programs:
✓ reduces the liability of individual leagues, league chapters, city/county parks and recreation programs, or faith based sports leagues, and other organizations.
✓ consistency in background checks protects the good standing of individual leagues within their communities as well as a national level.
✓ consistency in background checks helps maintain a base cost.

Members and Supporters (pending)
ABC Youth Sports is a coalition of individuals, organizations, government agencies, and community businesses who are advocating on the behalf of our communities’ youth and sports programs.

Get involved and ADD YOUR NAME HERE!

CONTACT US:
Phone: 619 - 7 SPORT 6 (777-6786)
Email: info@abcyouthsports.org
Web: www.ABCYouthSports.org
Facebook: ABCYouthSports

“...I didn’t want people finding out what was happening... I didn’t know what to say... He was my coach!... I was embarrassed about it... I’m still embarrassed about it.”
-- victim, 13 yrs. old

“You scared these kids, took advantage of their innocence and suffocated them so they would not tell on you”
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6. Baker, Thomas A III: Case and statutory law regarding the liability of youth sport organizations for the pedophilic actions of youth sport coaches and officials based on the theories of respondent superior, negligent hiring, and negligent retention University of Florida, 2007
Safe at School, Safe on the Field

Fact Sheet

Updated Dec 5, 2012

The Issue

‣ Youth sports leagues have inconsistent policies regarding background checks for their volunteers and coaches.

‣ While most leagues encourage conducting background checks for all adults who work with their youth, the extent varies with little to no enforcement or accountability.

‣ This allows individuals with criminal histories, including violent crimes and crimes against children, to obtain and hold coaching positions in local sports leagues.

By leaving the door open for questionable backgrounds to mix with access to hundreds of youth, we are endangering vulnerable members of our own communities.

Umbrella leagues, and their local chapters, are vulnerable to charges of liability— not simply the coaches and volunteers in question. In the end, the community loses both the valuable service of youth sports and the safety of children.

The Solution

We recommend a “Safe at School, Safe on the Field” state-wide policy requiring all California youth sports league chapters to operate with the same background check requirements held by California public school sports programs. The advantages include:

Protecting our Children:

✓ increases safety of youth, whether they participate in school sports or community sports.

✓ ensures that all volunteer coaches are held to the same standards, and our youth are equally safe in whichever league they participate.

Protecting our Community Sports Programs:

✓ reduces the liability of individual leagues, league chapters, city/county parks and recreation programs, or faith based sports leagues, and other organizations.

✓ consistency in background checks protects the good standing of individual leagues within their communities as well as on a national level.

✓ consistency in background checks helps maintain a base cost.

The Legislation

ABC Youth Sports is asking that local chapters of sports organizations perform background checks and employ hiring practices of their volunteers and coaches in accordance with California Public Education Code. In so doing, local sports organizations may be found exempt from liability in the case of child abuse or improper conduct of their coaches.

“I didn’t want people finding out what was happening... I didn’t know what to say... He was my coach!... I was embarrassed about it... I’m still embarrassed about it.”

-- victim, 13 years old

"You scared these kids, took advantage of their innocence and suffocated them so they would not tell on you" -- a parent

"Youth sports are a ready-made resource pool for pedophiles, and we better all get our heads out of the sand before we ruin the games."

-- Bob Bastarache, police officer turned private investigator
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Norm Watson, a Little League coach in San Bernardino, was sentenced to 84 years in prison after pleading guilty to 39 counts of lewd acts with five children that occurred during the 1990s. Unknown to the parents or the local league—which did not conduct proper background checks on the coach—Watson was serving probation during his time as coach for a 1980 molestation offense, and had also previously undergone treatment in two state mental facilities for child molestation. Watson admits to abusing over 100 youth in his time as a baseball coach. ¹ When brought to court, the National Little League was not held liable for Watson’s actions, but the local league who hired him was. ²

Data Points

- **44 million Youth** participate in private sports organizations nationwide with **7.3 million Coaches & Volunteers**. ³
- **California** is the most populous state with **37,253,956 residents** (12% total U.S.) in 2010 Census.
- Nearly in 10 of 10,436 NRPA Volunteer profiles have criminal records. 50% do not disclose records on their volunteer application. ⁴
- Nearly 40% have committed an offense that precluded them from coaching children. 41% of those were in another state. 56% that sexually abuse a child are acquaintances of either the child or the family. ⁴
- 6% (4,080 of 68,000) of volunteer applicants have criminal history of concern. Those “disqualifying offenses” included serious drug and alcohol convictions (114), violent offenses (106), various other felonies (71), recent misdemeanors (49) and even sex crimes (11). ⁴
- **159 Coaches** in Washington State alone, have been fired or reprimanded for sexual misconduct ranging from harassment to rape. At least **98 of those coaches** continued to coach or teach somewhere else.⁵
- Just **$50** is the estimated cost for a California Department of Justice background check. ⁶

Members and Supporters (pending)

ABC Youth Sports is a coalition of individuals, organizations, government agencies, and community businesses who are advocating on the behalf of our communities’ youth and sports programs.

- **California Coalition Against Sexual Assault**
- **National Alliance for Youth Sports**
- **American Humane Association**
- **National Recreation & Park Association**
- **Radiate and Reflect Productions (Coached into Silence)**
- **Youth Sports Safety Alliance**

Contact Information

Alliance for Background Checks in Youth Sports

Phone: 6 1 9 - 7 S P O R T 6 (777-6786)
Email: info@abcyouthsports.org
www.ABCYouthSports.org

References:

1. Nack, William and Yaeger, Don; Every Parent’s Nightmare: *Sports Illustrated* September 13, 2009
2. Baker, Thomas A III: Case and statutory law regarding the liability of youth sport organizations for the pedophilic actions of youth sport coaches and officials based on the theories of respondent superior, negligent hiring, and negligent retention *University of Florida*, 2007
3. Coaches Volunteers nationwide Baker, Thomas A III, University of Georgia; Connaghton, Daniel P. and Zhang, James J. Zhang; An Examination of Immunity Statutes Regarding the Liability of Recreational Youth Sport Organizations for the Pedophilic Actions of Coaches, Administrators, and Officials, *University of Florida*, 2007
6. California Department of Justice, Applicant Fingerprinting Fees.
Play Safe!
Keeping Youth Sports Safe

Although there are a large variety of youth sports organizations in California, there is currently no standard to ensure children are protected from predators who try to volunteer in these organizations.

Youth sports organizations are the front line of protection against possible predators volunteering in their organizations. We must amend the current code to encourage youth sports organizations to perform consistent ongoing background checks of all volunteers and in doing so provide them with civil and criminal liability protections for taking responsibility of the safety of the children in their programs.

Facts:

- Many leagues have background check policies; however they seem to vary greatly. Only certain ones require annual checks, very few require a specific kind of background check and some only maintain the right to do background checks.
- The Volunteers for Children Act, signed into law in 1998, underscores the importance of preventative measures that must be taken by sports organizations with regard to abuse. Under this law, if a volunteer or employee of the organization sexually molests a while in his care – and it can be shown that the molester had been previously convicted of a relevant crime elsewhere in the U.S. – then the organization may be held liable for negligent hiring practices.
- Experts agree that municipalities and other youth sports providers are not altogether free from liability, even in jurisdictions where nonprofit immunity statutes may exist.
- The National Child Protection Act became law in 1993 and was amended in 1998 to allow organizations to use nationwide fingerprint-based criminal history checks.

- More than 30 million children participate in organized youth sports programs nationwide.
- A youth sports study conducted by the Minnesota Amateur Sports Commission found that 3.4% of children said they had been pressured into sex or sexual touching by a coach or volunteer.
- 56% of those that sexually abuse a child are acquaintances of either the child or the family.
- Many molesters establish a trusting relationship with the victim's family.
Why Background Checks Matter:

-Norman Watson, a Little League coach in San Bernardino, California, was sentenced to 84 years in prison after pleading guilty to 39 counts of lewd acts with five children that occurred during the 1990s. But this didn't have to happen: Unknown to the parents or league - which did not conduct a proper background check on the coach - Watson was serving probation during his time as coach for a 1980 molestation offense, and had also previously undergone treatment in two state mental facilities for child molestation.

-36 swimming coaches who have been banned for life by USA Swimming because of sexual misconduct with youth female swimmers.

-159 coaches in the state of Washington have been fired or reprimanded for sexual misconduct ranging from harassment to rape. At least 98 of those coaches continued to coach or teach somewhere else.

-Of the 10,436 profiles submitted by municipalities last year to the National Recreation and Park Association's TLC2 volunteer-screening program, nearly one in 10 people were found to have criminal records. And nearly 40 percent of those people were discovered to have committed an offense that, under the program's standards, precluded them from coaching children. Those "disqualifying offenses" included serious drug and alcohol convictions (114), violent offenses (106), various other felonies (71), recent misdemeanors (49) and even sex crimes (11).

California Should Follow Those States That Have Already Made a Change

Minnesota
Oregon
Florida
Ohio

For More Information:
-contact name, phone, web, email, twitter, facebook

Footnotes
Advocacy Project: Alliance for Background Checks in Youth Sports

Section 5
UPDATE!

On Monday Jan. 7th, a team of us went to Sacramento to talk face-to-face with legislators, and our idea was well-received! We are now in the process of getting the detailed language for a bill written up. Also, we have offers to author the bill from two different Assemblymembers, as well as support from more to co-author. Wow, we are moving forward! To see photos and more, "like" our Facebook page.

ABC Youth Sports is asking California State Legislature to join the ranks of other states in their efforts to protect our children and our community sports programs.

The call is for a state-wide policy requiring all California youth sports leagues and chapters to operate with the same background check requirements held by California public school sports programs.

Problem:

Lack of background checks allow individuals with criminal histories, including violent crimes and crimes against children, to obtain and hold coaching positions in our local sports leagues. People with questionable backgrounds have access to hundreds of youth in their care, and can endanger these vulnerable members of our communities.

"I didn’t want people finding out what was happening... I didn’t know what to say... He was my coach... I was embarrassed about it... I’m still embarrassed about it," — victim, 13 years old.

"You scared these kids, took advantage of their innocence and suffocated them so they would not tell on you" — a parent.

"Youth sports are a ready-made resource pool for pedophiles, and we better all get our heads out of the sand before we ruin the game." — Bob Bostwick.
ABC Youth Sports
Facebook Homepage Screenshot
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<td>Sarah Saez</td>
<td>(619) 777-6786, <a href="mailto:info@abcyouthsports.org">info@abcyouthsports.org</a>, <a href="http://www.abcyouthsports.org">www.abcyouthsports.org</a></td>
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Youth Sports

Alliance for Background Checks in Youth Sports
ABC Youth Sports
Alliance for Background Checks in Youth Sports
Safe Community Youth Sports
by Ensuring Background Checks for Volunteers of Youth Sports
ABC Youth Sports
Safe at School, Safe on the Field
Possible Supporters/Detractors

Possible Support
Child Abuse Prevention/Treatment Organizations
National Alliance of Youth Sports
National Coalition of Youth Sports
National Little League
Other Sports Leagues with mandatory background check policies
Law Enforcement
YMCA
California Teachers Association
Coached into Silence film and Production Company
Chargers or Padres
Background check companies
Parks and Rec departments already utilizing background check

Possible Opposition
Some sports leagues, especially local chapters
Lawyers’ associations (if considering liability immunity)
Faith-based organizations
People with criminal convictions
Privacy Rights organizations

Arguments For
First line of defense in protection of children
Liability protection if league taken to court
Equalizes membership costs from league to league
If background checks limited only to leagues where it can be afforded, may push volunteers with questionable backgrounds to prey on lower income communities

Arguments Against
Pushing people with bad intentions to volunteer across the border
Deterring people with unrelated criminal records from volunteering (check forgery, etc)
Financially unviable for small leagues
Should background check all volunteers and coaches, not just one per team
Offering liability immunity is too strong of language
No liability immunity means no enforcement
Privacy issues--who sees background checks in small communities
1. *Coached into Silence* film (*pending*)

2. Kingsview Behavioral Mental Health Systems

3. Lake Murray Little League, President David Gordon

4. Our Children Have Voices LLC

5. Rolando Little League, President Kevin Smith (*pending*)

6. San Diego East County Chamber of Commerce (*pending*)

7. Serra Mesa Little League, President Scott Lindbeck (*pending*)
Team Membership Options

As a member of the Alliance for Background Checks in Youth Sports (ABC Youth Sports), there are many ways to get involved that may fit you and your organization or business!

While you are welcome to dive into the legislative process with us, share in spreading the word, or organize locally -- the most important thing you can help do is be identified as an alliance member on printed materials, the website, and in discussions. In exchange for this support, ABC Youth Sports would love to feature links to your website and share information about your business or organization.

Bronze Medal Team Members

- Your name on ABC Youth Sports printed materials
- Link to your website on ABCYouthSports.org
- Included in email updates as they progress

Silver Medal Team Members

- Help distribute Alliance information through newsletters, emails, website posts, and other outreach models currently in use by your organization/business
- plus Bronze level services: Your name on Alliance printed materials, Link to your website on ABCYouthSports.org, Included in email updates as they progress

Gold Medal Team Members

- Take action through time, research, outreach, volunteers, phone banking, or identifying other legislation efforts as important to the mission your organization/business
- plus Silver participation: Help distribute information through newsletters, emails, website posts, and other outreach models currently in use by the organization/business
- plus Bronze level services: Your name on Alliance printed materials, Link to your website on ABCYouthSports.org, Included in email updates as they progress

Memorandum of Understanding

Whereas The Alliance for Background Checks in Youth Sports (ABC Youth Sports) is a coalition of individuals, organizations, government agencies, and community businesses who are advocating on behalf of our communities’ youth and sports programs;

Whereas ABC Youth Sports recognizes that inconsistencies and lack of background checks allow individuals with criminal histories, including violent crimes and crimes against children, to obtain and hold coaching positions in our local sports leagues;

Whereas ABC Youth Sports calls for a statewide policy requiring all California youth sports league chapters to operate with the same background check requirements held by California public school sports programs;

I, ____________________________, on behalf of ____________________________________________, (name) (organization)
agree to join the ABC Youth Sports “team” with a membership of:  ☐ Bronze  ☐ Silver  ☐ Gold

Signature: ____________________________________________________ Date: ________________
Hello ______/ To whom it may concern:

My name is ______ and I am with the Alliance for Background Checks in Youth Sports.

We are building a coalition of individuals, organizations, government agencies, and community businesses who advocate on the behalf of our communities’ youth and sports programs. We are inviting you (and your organization/business) to join this coalition, specifically in our efforts to regulate background checks for coaches and volunteers in community youth sports leagues.

There is an inconsistency in youth sports leagues’ policies regarding background checks for their volunteers and coaches. While most leagues encourage conducting background checks for all adults who work with youth, there is little to no enforcement or accountability, and the extent of the background checks vary widely.

The inconsistencies and lack of background checks allow individuals with criminal histories, including violent crimes and crimes against children, to obtain and hold coaching positions in our local sports leagues. Under these conditions, people with questionable backgrounds have access to hundreds of youth in their care, and can endanger these vulnerable members of our communities.

In these situations, the inconsistency in background check policies render the umbrella leagues, as well as the local chapters of these leagues, vulnerable to charges of liability—not simply the coaches and volunteers in question.

ABC Youth Sports is asking California State Legislature to join the ranks of other states in their efforts to protect our children, and our community sports programs. We call for a state-wide policy requiring all California youth sports league chapters to operate with the same background check requirements held by California public school sports programs. We want our children to be safe at school and safe on the field.

Our coalition believes that implementing this state standard for background checks will successfully reduce the harm to our youth, and effectively protect our communities’ sports programming. Please help us by lending your name to our cause and in spreading the word as our proposal makes its journey to the State Capitol this January.

For more information please visit our website, review the attached documents, or contact me directly at this email or by phone at: XXX-XXX-XXXX.

Thank you for your support,

_________
Hello ______/ To whom it may concern:

My name is ______ and I am with the Alliance for Background Checks in Youth Sports.

We are building a coalition of individuals, organizations, government agencies, and community businesses who advocate on the behalf of our communities’ youth and sports programs. We are inviting you (and your organization/business) to join this coalition, specifically in our efforts to regulate background checks for coaches and volunteers in community youth sports leagues.

ABC Youth Sports has asked California State Legislature to join the ranks of other states in their efforts to protect our children, and our community sports programs. We call for a state-wide policy requiring all California youth sports league chapters to operate with the same background check requirements held by California public school sports programs. We want our children to be safe at school and safe on the field.

Inconsistencies and lack of background checks allow individuals with criminal histories, including violent crimes and crimes against children, to obtain and hold coaching positions in our local sports leagues. Under these conditions, people with questionable backgrounds have access to hundreds of youth in their care, and can endanger these vulnerable members of our communities.

Most leagues encourage conducting background checks for all adults who work with youth, there is little to no enforcement or accountability, and the extent of the background checks vary widely. In these situations, the inconsistency in background check policies render the umbrella leagues, as well as the local chapters of these leagues, vulnerable to charges of liability—not simply the coaches and volunteers in question.

ABC Youth Sports brought Safe at School, Safe on the Field to Sacramento this week. Senators and Assembly-members were shocked to find that volunteer coaches weren’t being background checked before gaining access to our communities’ youth. They were even more surprised to find that there were no laws on the books, or that any similar legislative proposals had previously been brought forward. Safe at School, Safe on the Field was well-received—democrats and republicans alike have voiced their support. ABC Youth Sports is currently reviewing legislative council suggestions and authorship offers.

We still need our communities’ support—it’s more vital than ever to join our coalition and lend your business, organization, or personal name to the effort. Please help us by joining our cause and in spreading the word as our proposal makes its journey to hopefully become California law.

For more information please visit our website, review the attached documents, or contact me directly at this email or by phone at: 619. 7 SPORT 6 (619. 777. 6786)

Thank you for your support,
Hello ______/ To whom it may concern:

My name is ______ and I contacted you previously on behalf of the Alliance for Background Checks in Youth Sports.

ABC Youth Sports went to Sacramento this week to ask California State Legislature to join the ranks of other states in their efforts to protect our children, and our community sports programs. We have asked for a state-wide policy requiring all California youth sports league chapters to operate with the same background check requirements held by California public school sports programs. We want our children to be safe at school and safe on the field.

Senators and Assembly-members were shocked to find that volunteer coaches weren’t being background checked before gaining access to our communities’ youth. They were even more surprised to find that there were no laws on the books, or that any similar legislative proposals had previously been brought forward. Safe at School, Safe on the Field was well-received-- democrats and republicans alike have voiced their support. ABC Youth Sports is currently reviewing legislative council suggestions and authorship offers.

Inconsistencies and lack of background checks allow individuals with criminal histories, including violent crimes and crimes against children, to obtain and hold coaching positions in our local sports leagues. Under these conditions, people with questionable backgrounds have access to hundreds of youth in their care, and can endanger these vulnerable members of our communities.

Most leagues encourage conducting background checks for all adults who work with youth, yet there is little to no enforcement or accountability, and the extent of the background checks vary widely. In these situations, the inconsistency in background check policies render the umbrella leagues, as well as the local chapters of these leagues, vulnerable to charges of liability-- not simply the coaches and volunteers in question.

We still need our communities’ support-- it’s more vital than ever to join our coalition and lend your business, organization, or personal name to the effort. Please help us by joining our cause and in spreading the word as our proposal makes its journey to become California law.

For more information please visit our website, review the attached documents, or contact me directly at this email or by phone at: 619. 7 SPORT 6 (619. 777. 6786)

Thank you for your support,
ABC Youth Sports
Coalition Call Script

**Leaving a Message:**

- Hello I’m calling for ________,
- My name is ________, and I’m with ABC Youth Sports, the Alliance for Background Check Consistency in Youth Sports.
- We sent you an email inviting you to join our efforts in asking California legislators to pass legislation that requires background checks of coaches and volunteers of youth sports leagues.
- We’re following up to see if you have any questions regarding our proposal and to hopefully gain your support in these efforts.
- We’re sorry to have missed you, and we’ll try back later in the week.
- Please feel free to contact me directly:
  - Name:
  - Phone number:
  - Repeat phone number:
- Thank you, and have a great day!

**Talking to a Person:**

- Hello I’m calling for ________,
- My name is ________, and I’m with the ABC Youth Sports, the Alliance for Background Check Consistency in Youth Sports.
- We sent you an email inviting you to join our efforts in asking California legislators to pass legislation that requires background checks of coaches and volunteers of youth sports leagues.
- **Q1:** Did you receive this email?
  - **Q1: yes:**
    - Great! I would love to talk with you further about how you (and your organization/business) can help support our efforts at the capitol and (in your community/our community here in San Diego).
• **Q2:** Is now an ok time to discuss this briefly?

  **Q1:** no:
  No problem, I’ll go ahead and re-send that to you!

• **Q2:** Is now an ok time to discuss this briefly?

  **Q2:** no:
  No problem, I’ll send that email and look forward to following up with you after.

  **Q2:** yes:
  Great! Here’s the basics: Give ‘em the Spiel

**What We Offer:**
We’ll send resend a follow up email including:
  **link to website**
  which includes:
  Fact Sheet
  Frequently Asked Questions
  Example Legislation Language
  Links to Other Coalition Members

  **how they can help**
  which includes:
  Using name as example of community support in our documents
  Adding name to our website
  Adding our coalition to their website
  Helping to pass on media updates, and other developments

  does not include:
  meetings
  phone calls
  very much time or effort

• **Q3:** Can I confirm your contact information?

  Contact Name:
  Contact Email:
  Contact Phone:
  Preferred method of communication (email, voicemail, text, etc):
• Thank you so much for your time. We will be calling next week after you have reviewed the materials to answer any questions, and hopefully to confirm your interest in joining our coalition.

• Have a great day!
To whom it may concern:

I am writing in support of a statewide policy requiring all California youth sports league chapters to operate with the same background check requirements held by California public school sports programs.

There is an inconsistency in youth sports leagues’ policies regarding background checks for their volunteers and coaches. While most leagues encourage conducting background checks for all adults who work with youth, there is little to no enforcement or accountability, and the extent of the background checks vary widely.

The inconsistencies and lack of background checks allow individuals with criminal histories, including violent crimes and crimes against children, to obtain and hold coaching positions in our local sports leagues. Under these conditions, people with questionable backgrounds have access to hundreds of youth in their care, and can endanger these vulnerable members of our communities.

I ask that California join the ranks of other states in their efforts to protect our children, and our community sports programs. I believe that implementing this state standard for background checks will successfully reduce the harm to our youth, and keep our communities’ sports safe.

Sincerely,
(your name)
(your position, organization, etc parent, coach, YMCA etc)
(your city)
January 3, 2013

To whom it may concern:

I am writing in support of a proposed statewide policy that would require all California youth sports league chapters to operate with the same background check requirements used by California public school sports programs.

There are inconsistencies in youth sports leagues’ policies regarding background checks for their volunteers and coaches. While most leagues encourage the conducting of background checks for all adults who work with youth, there is little to no enforcement or accountability, and the depth and effectiveness of the background checks varies widely.

These inconsistencies and lack of background checks can enable individuals with criminal histories, including violent crimes and crimes against children, to obtain and hold coaching positions in local sports leagues. Under these conditions, people with questionable backgrounds have access to hundreds of youth in their care, and can endanger these vulnerable members of our communities.

On behalf of the largest business organization in eastern San Diego County, I ask that the State of California join other states in their efforts to protect our children, and the safety of our community sports programs. Implementing this state standard for background checks will reduce the harm to our youth, and make community sports programs safer.

Thank you for your time and consideration.

Scott Alevy
President & CEO
To whom it may concern:

I am writing in support of a statewide policy requiring all California youth sports league chapters to operate with the same background check requirements held by California public school sports programs.

There is an inconsistency in youth sports leagues’ policies regarding background checks for their volunteers and coaches. While most leagues encourage conducting background checks for all adults who work with youth, there is little to no enforcement or accountability, and the extent of the background checks vary widely.

The inconsistencies and lack of background checks allow individuals with criminal histories, including violent crimes and crimes against children, to obtain and hold coaching positions in our local sports leagues. Under these conditions, people with questionable backgrounds have access to hundreds of youth in their care, and can endanger these vulnerable members of our communities.

I ask that California join the ranks of other states in their efforts to protect our children, and our community sports programs. I believe that implementing this state standard for background checks will successfully reduce the harm to our youth, and keep our communities’ sports safe.

Sincerely,
Sam and Sharon Chasteen
6242 Estrella Ave.
San Diego Ca. 92120
To whom it may concern:

I am writing in support of a statewide policy requiring all California youth sports league chapters to operate with the same background check requirements held by California public school sports programs.

There is an inconsistency in youth sports leagues’ policies regarding background checks for their volunteers and coaches. While most leagues encourage conducting background checks for all adults who work with youth, there is little to no enforcement or accountability, and the extent of the background checks vary widely.

The inconsistencies and lack of background checks allow individuals with criminal histories, including violent crimes and crimes against children, to obtain and hold coaching positions in our local sports leagues. Under these conditions, people with questionable backgrounds have access to hundreds of youth in their care, and can endanger these vulnerable members of our communities.

I ask that California join the ranks of other states in their efforts to protect our children, and our community sports programs. I believe that implementing this state standard for background checks will successfully reduce the harm to our youth, and keep our communities’ sports safe.

Sincerely,
Jaclyn Feinstein
Past Volunteer AYSO Soccer Coach and Referee
San Diego, CA
To whom it may concern:

I am writing in support of a statewide policy requiring all California youth sports league chapters to operate with the same background check requirements held by California public school sports programs.

There is an inconsistency in youth sports leagues’ policies regarding background checks for their volunteers and coaches. While most leagues encourage conducting background checks for all adults who work with youth, there is little to no enforcement or accountability, and the extent of the background checks vary widely.

The inconsistencies and lack of background checks allow individuals with criminal histories, including violent crimes and crimes against children, to obtain and hold coaching positions in our local sports leagues. Under these conditions, people with questionable backgrounds have access to hundreds of youth in their care, and can endanger these vulnerable members of our communities.

I ask that California join the ranks of other states in their efforts to protect our children, and our community sports programs. I believe that implementing this state standard for background checks will successfully reduce the harm to our youth, and keep our communities’ sports safe.

Sincerely,
Angela Hinojosa
Parent and Chula Vista School District Employee
Chula Vista
January 1, 2013

To whom it may concern:

I am writing in support of a statewide policy requiring all California youth sports league chapters to operate with the same background check requirements held by California public school sports programs.

There is an inconsistency in youth sports leagues’ policies regarding background checks for their volunteers and coaches. While most leagues encourage conducting background checks for all adults who work with youth, there is little to no enforcement or accountability, and the extent of the background checks vary widely.

The inconsistencies and lack of background checks allow individuals with criminal histories, including violent crimes and crimes against children, to obtain and hold coaching positions in our local sports leagues. Under these conditions, people with questionable backgrounds have access to hundreds of youth in their care, and can endanger these vulnerable members of our communities.

I ask that California join the ranks of other states in their efforts to protect our children, and our community sports programs. I believe that implementing this state standard for background checks will successfully reduce the harm to our youth, and keep our communities’ sports safe.

Sincerely,

Tara Mae Baize
SoleMates Co-Chair, Girls On The Run of San Diego
To whom it may concern:

I am writing in support of a statewide policy requiring all California youth sports league chapters to operate with the same background check requirements held by California public school sports programs.

There is an inconsistency in youth sports leagues’ policies regarding background checks for their volunteers and coaches. While most leagues encourage conducting background checks for all adults who work with youth, there is little to no enforcement or accountability, and the extent of the background checks vary widely.

The inconsistencies and lack of background checks allow individuals with criminal histories, including violent crimes and crimes against children, to obtain and hold coaching positions in our local sports leagues. Under these conditions, people with questionable backgrounds have access to hundreds of youth in their care, and can endanger these vulnerable members of our communities.

I ask that California join the ranks of other states in their efforts to protect our children, and our community sports programs. I believe that implementing this state standard for background checks will successfully reduce the harm to our youth, and keep our communities’ sports safe.

Sincerely,
Allen Koziol
Church Liaison
San Juan Capistrano
To whom it may concern:

I am writing in support of a statewide policy requiring all California youth sports league chapters to operate with the same background check requirements held by California public school sports programs.

There is an inconsistency in youth sports leagues' policies regarding background checks for their volunteers and coaches. While most leagues encourage conducting background checks for all adults who work with youth, there is little to no enforcement or accountability, and the extent of the background checks vary widely.

The inconsistencies and lack of background checks allow individuals with criminal histories, including violent crimes and crimes against children, to obtain and hold coaching positions in our local sports leagues. Under these conditions, people with questionable backgrounds have access to hundreds of youth in their care, and can endanger these vulnerable members of our communities.

As the parent of two young girls, I have a personal interest in making sure that not only my children, but all youth are protected to the best of our abilities, so I ask that California join the ranks of other states in their efforts to safeguard our children, and our community sports programs. I believe that implementing this state standard for background checks will successfully reduce the harm to our youth, and keep our communities' sports safe.

Sincerely,

Dana Sass
Parent
La Mesa, CA
To whom it may concern:

I am writing in support of a statewide policy requiring all California youth sports league chapters to operate with the same background check requirements held by California public school sports programs.

It has come to my attention that there is an inconsistency in youth sports leagues’ policies regarding background checks for their volunteers and coaches. While most leagues encourage conducting background checks for all adults who work with youth, there is little to no enforcement or accountability, and the extent of the background checks vary widely.

The inconsistencies and lack of background checks allow individuals with criminal histories, including violent crimes and crimes against children, to obtain and hold coaching positions in our local sports leagues. Under these conditions, people with questionable backgrounds have access to hundreds of youth in their care, and can endanger these vulnerable members of our communities. Along with other situations we are addressing in order to provide better protection for children and youth, it is imperative we strengthen our standards in this area as well.

I ask that California join the ranks of other states in their efforts to protect our children, and our community sports programs. I believe that implementing this state standard for background checks will successfully reduce the harm to our youth, and help to keep our communities’ sports a safe place.

Sincerely,

Cyndee Hanna

Cyndee Hanna
Job Development Coordinator
St. Madeleine Sophie’s Center
2119 E. Madison Avenue
El Cajon, CA 92019
619-442-5129 x 122
channa@stmsc.org
To whom it may concern:

I am writing in support of a statewide policy requiring all California youth sports league chapters to operate with the same background check requirements held by California public school sports programs.

There is an inconsistency in youth sports leagues’ policies regarding background checks for their volunteers and coaches. While most leagues encourage conducting background checks for all adults who work with youth, there is little to no enforcement or accountability, and the extent of the background checks vary widely.

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I ask that California join the ranks of other states in their efforts to protect our children, and our community sports programs. I believe that implementing this state standard for background checks will successfully reduce the harm to our youth, and keep our communities’ sports safe.

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Angela Hinojosa
Parent and Chula Vista School District Employee
Chula Vista
To whom it may concern:

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I ask that California join the ranks of other states in their efforts to protect our children, and our community sports programs. I believe that implementing this state standard for background checks will successfully reduce the harm to our youth, and keep our communities’ sports safe.

Sincerely,

Richard M. Reyes
Parent of child athletes
Santee, CA
To whom it may concern:

I am writing in support of a statewide policy requiring all California youth sports league chapters to operate with the same background check requirements held by California public school sports programs.

There is an inconsistency in youth sports leagues’ policies regarding background checks for their volunteers and coaches. While most leagues encourage conducting background checks for all adults who work with youth, there is little to no enforcement or accountability, and the extent of the background checks vary widely.

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I ask that California join the ranks of other states in their efforts to protect our children, and our community sports programs. I believe that implementing this state standard for background checks will successfully reduce the harm to our youth, and keep our communities’ sports safe.

Sincerely,
Cody Riddar
Parent, Small Business Owner
San Diego, CA
<table>
<thead>
<tr>
<th>ORGANIZATION</th>
<th>INDIVIDUAL</th>
<th>TITLE</th>
<th>EMAIL ADDRESS</th>
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<tr>
<td>City of LA Department of Recreation</td>
<td>RAP <a href="mailto:PUBLICINFO@LACITY.ORG">PUBLICINFO@LACITY.ORG</a></td>
<td></td>
<td>(213) 202-2633</td>
<td><a href="http://www.laparks.org/">http://www.laparks.org/</a></td>
<td>221 N. Figueroa St. Suite 1550, Los Angeles, CA 90012</td>
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<tr>
<td>Kids in Sports LA</td>
<td><a href="mailto:info@kidsinsportsla.org">info@kidsinsportsla.org</a></td>
<td></td>
<td>(213) 765-1900</td>
<td><a href="http://kidsinsportsla.org/">http://kidsinsportsla.org/</a></td>
<td>Expo Center, 3980 Bill Robertson Lane, Suite 237, Los Angeles, CA 90037</td>
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<tr>
<td>LA84 Foundation</td>
<td><a href="mailto:info@LA84foundation.org">info@LA84foundation.org</a></td>
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<td>323-730-4600</td>
<td><a href="http://www.LA84foundation.org/index.html">http://www.LA84foundation.org/index.html</a></td>
<td>2141 W. Adams Blvd., Los Angeles, CA 90018</td>
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<tr>
<td>Heart of Los Angeles</td>
<td>Kristen Singh</td>
<td>Volunteer Director</td>
<td><a href="mailto:kisingh@heartofla.org">kisingh@heartofla.org</a></td>
<td>(213) 389-1148, ext 247</td>
<td><a href="http://heartofla.org">http://heartofla.org</a></td>
<td>2701 Wilshire Boulevard, Los Angeles, CA 90057</td>
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<tr>
<td>Allied Gardens Little League</td>
<td>David Graham</td>
<td>President</td>
<td><a href="mailto:info@kingsview.org">info@kingsview.org</a></td>
<td>(213) 389-1148, ext 247</td>
<td><a href="http://heartofla.org">http://heartofla.org</a></td>
<td>2701 Wilshire Boulevard, Los Angeles, CA 90057</td>
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<td>Chollas Lake Little League</td>
<td>Carol Hill</td>
<td>President</td>
<td>619 964-2580</td>
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<td>Kearny Mesa Little League</td>
<td>Walt Gierucki</td>
<td>President</td>
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<td>Lake Murray</td>
<td>Dave Gordon</td>
<td>President</td>
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<td>Mid City</td>
<td>Bart Bauer</td>
<td>President</td>
<td>619 504-2893</td>
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<td>Mission Trails</td>
<td>Phil Stearns</td>
<td>President</td>
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<td>Murphy Canyon</td>
<td>Josie Thomas</td>
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<td>Serra Mesa</td>
<td>Scott Lindbeck</td>
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<td>Kyle Riley</td>
<td>President</td>
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<td>Ben Dancan</td>
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<td>Jeff Pace</td>
<td>Manager</td>
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<td>AYSO</td>
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<td>(800) USA-AYSO (800-872-2976)</td>
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<tr>
<td>Kingsview Behavioral Health Services</td>
<td>Morrissa Holzman</td>
<td>LCSW</td>
<td><a href="mailto:mholzman@kingsview.org">mholzman@kingsview.org</a></td>
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<tr>
<td>YMCA Alliance</td>
<td>Catherine M Barankin</td>
<td>Director of Public Policy</td>
<td><a href="mailto:cbarankin@aol.com">cbarankin@aol.com</a></td>
<td>916.447.7341</td>
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<tr>
<td>Special Olympics</td>
<td>Laura Seckel</td>
<td>HR/Volunteers</td>
<td><a href="mailto:lseckel@sosc.org">lseckel@sosc.org</a></td>
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<td>Little League International Baseball and Softball</td>
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<td>(570) 326-1921</td>
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<tr>
<td>Little League West Region Headquarters</td>
<td>Jim Gerstenlager</td>
<td>Western Region Director</td>
<td><a href="mailto:gerstenlager@LittleLeague.org">gerstenlager@LittleLeague.org</a></td>
<td>(800) 887-6444</td>
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<td>Our Children Have Voices</td>
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ABC Youth Sports
Sports Leagues

This is where I am finding, and plan to identify, various youth sports leagues: Open Directory, Search Term: Sports:
http://www.dmoz.org/

Here is what I've been finding:

- Each league has its own way of connecting in to national and state organizations with local leagues
- They have their own governance and unique ways of connecting in to one another
- We may be able to map it all out, but it's complicated if we're trying to tackle them as a group or if we want to assess their policies

3. Speaking of policies...

Many leagues have background check policies-- however they seem to vary greatly.

- Some require annual checks
- Some require a specific kind of background check or a specific company and then another would specifically say not to use that kind
- Some maintain the right to do ongoing background checks, but I don't think they actually check everyone (I think it's kinda' like random drug testing)

There are specifications and complications regarding who reviews the background check-- like a corporate office only and it remains in a locked file for a set numbers of years, etc.

- This complicates our idea of how much it costs to implement (HR at Corporate processing all that info)
- This draws attention to issues of confidentiality if checks are reviewed at the local level
- This points out a possible need to specify where the background checks go, who sees them, how long they are held
- This also questions the relationships between corporate offices and reporting

San Diego Leagues

poway little league
http://www.eteamz.com/pallbaseball/
encinitas little league
http://www.enll.org/

district 33 little league
http://www.eteamz.com/District33/links/

mira mesa pony league
http://www.leaguelineup.com/welcome.asp?url=mmyb

SD youth football and cheer
http://sandiegoyouthfootball.net/

SD sol basketball
http://sandiegosol.com/youth/

pacific youth soccer league
http://www.pyslsoccer.org/

california soccer league san diego
http://californiasoccerleague.com/youth-soccer.php

youth sports
http://www.youthsportssandiego.com/

national youth sports- san diego
http://www.nysonline.org/California/SanDiego/Index.html

albion sc soccer
http://www.albionsoccer.org/Club/index_E.html

Cal South Soccer

San Diego United Soccer
http://www.sandiegounited.net/teams.html

national leagues and background check language and policies

national little league
http://www.littleleague.org/Little_League_Online.htm
background check info
http://www.littleleague.org/learn/programs/childprotection/LocalLeagueBackgroundChecks.htm

american youth soccer organization (ayso)
http://www.ayso.org/home.aspx
background check info
http://www.ayso.org/why_join_ayso/safe_haven/background_check_policy.aspx

http://www.ncys.org/advocacy/advocacy-basics.php
check out their advocacy page!
Advocacy Project: Alliance for Background Checks in Youth Sports

Section 8
ABC Youth Sports
Research Page Website Screenshot

Download our compiled data:
- Quick intro with our Fact Sheet (2 page pdf), updated 1/8/13.
- The state laws and more in our Appendix (pdf), updated 1/8/13.

Related Research Links:
- Article on Sexual Exploitation in Sports: http://safe4athletes.org/component/k2/item/16-sexual-exploitation-insports
- Information on AB 345 - which clarifies who in education is required to get a background check in schools and who is exempt: http://www.scar.org/news/ab345/2013/01/011.pdf
ABC Youth Sports
FAQs

Who We Are:
The Alliance for Background Check Consistency in Youth Sports (ABC Youth Sports) is a coalition of individuals, organizations, government agencies, and community businesses who are advocating on the behalf of our communities' youth and sports programs.

Problem:
There is an inconsistency in youth sports leagues' policies regarding background checks for their volunteers and coaches. While most leagues encourage conducting background checks for all adults who work with youth, there is little to no enforcement or accountability, and the extent of the background checks vary widely.

The inconsistencies and lack of background checks allow individuals with criminal histories, including violent crimes and crimes against children, to obtain and hold coaching positions in our local sports leagues. Under these conditions, people with questionable backgrounds have access to hundreds of youth in their care, and can endanger these vulnerable members of our communities.

In these situations, the inconsistency in background check policies render the umbrella leagues, as well as the local chapters of these leagues, vulnerable to charges of liability--not simply the coaches and volunteers in question.

Solution:
ABC Youth Sports is asking California State Legislature to join the ranks of other states in their efforts to protect our children, and our community sports programs. We call for a state-wide policy requiring all California youth sports league chapters to operate with the same background check requirements held by California public school sports programs.

What will the legislation look like?
ABC Youth Sports is asking that local chapters of sports organizations perform background checks and employ hiring practices of their volunteers and coaches in accordance with California Public Education Code.

In so doing, local sports organizations may be found exempt from liability in the case of child abuse or improper conduct of their coaches.

What are the background check policies of California Schools?
According to California Education Code schools can request that a local law enforcement agency conduct an automated records background check through the Department of Justice, especially looking to see if a volunteer has been convicted of any sex offense as defined in Section 44010. They can also go directly to the Department of Justice and include ongoing arrest updates.

A plea or verdict of guilty, a finding of guilt by a court in a trial without jury, or a conviction following a plea of no contest is considered a conviction.

**To what extent are schools held liable for the actions of their teachers and coaches?**

Under education code, courts tend not to find schools or school districts as vicariously liable for the actions of their employees.

**What would this kind of background check entail?**

**What kinds of things would a background check reveal?**

See other state laws.

**What is considered a “youth sport organization?”**

**Do faith-based or parks and recreation team’s count?**

ABC Youth Sports defines recreation youth sport organizations as “youth sport programs that exist outside of an educational/school setting.”

Examples of recreational youth sports organizations:

- Little League Baseball and Softball, Pop Warner, etc
- Community-based (local and regional) youth sport programs
- Church sports programs
- Municipal, park and recreation, and department programs

**How many youth participate in private sports organizations?**

44 million nationwide in 2008

**How many volunteers and coaches are we talking about?**

7.3 million nationwide in 2008

**What kinds of misconduct and abuse have been documented?**

- The greatest concern, and the gravest fear, is over the actions of pedophiliac sexual predators and sexual abuse against the youth in their care.
• Other kinds of issues include: physical violence against youth, issues of gambling, drug use and distribution, as well as histories of driving under the influence and other child endangerment

How prevalent is child sexual abuse in general?

According to one study, approximately 90,000 children in the United States were sexually abused in 2003 alone.

How sure of these numbers are we?

• Despite the seriousness of the abuse, the average molestation victim fails to report it—therefore these numbers are estimated to be much lower than the actual instances of abuse
• One analysis found that police only discover 3% of all cases

How many private sports organizations are there in California?

I’m not sure this information exists...especially if we include faith-based leagues and parks and rec – I don’t think we have that number yet; there is a group I was hoping to contact regarding this.

How many private sports organizations are there in San Diego?

Same as above...should we provide estimates? – Same as above...

Is this really a problem, or are there just a few ‘bad seeds’ out there volunteering?

A youth sports study conducted by the Minnesota Amateur Sports Commission found that 3.4% of children said they had been pressured into sex or sexual touching by a coach or volunteer

In these situations, could a background check have prevented it?

While the bad news is that few are conducting thorough background checks, the good news is that in many situations a background check would reveal valuable information that could prevent people with questionable backgrounds gaining volunteer coaching positions, and prevent repeat offences.

• 67.5% of released criminals are rearrested within 3 years
• The Child Safety Pilot Program found that 6% of volunteer applicants of the 68,000 background checks performed, had a criminal history of concern—including serious offenses
• 41% of the offenses were in another state, in which state-only background searches would not have found these offenses
• 50% of those with criminal records did not include their crime on their volunteer application.
• Of the 10,436 profiles submitted by municipalities last year to the National Recreation and Park Association’s TLC2 volunteer-screening program, nearly one in 10 people were found to have criminal records.
• Nearly 40% of those people were discovered to have committed an offense that, under the program’s standards, precluded them from coaching children.
• Those "disqualifying offenses" included serious drug and alcohol convictions (114), violent offenses (106), various other felonies (71), recent misdemeanors (49) and even sex crimes (11).
• In Washington State alone, 159 coaches have been fired or reprimanded for sexual misconduct ranging from harassment to rape. At least 98 of those coaches continued to coach or teach somewhere else.
• Norm Watson, a Little League coach in San Bernardino was sentenced to 84 years in prison after pleading guilty to 39 counts of lewd acts with five children that occurred during the 1990s. Unknown to the parents or the local league—which did not conduct proper background checks on the coach—Watson was serving probation during his time as coach for a 1980 molestation offense, and had also previously undergone treatment in two state mental facilities for child molestation. Watson admits to abusing over 100 youth in his time a baseball coach. When brought to court, the National Little League was not held liable for Watson’s actions, but the local league who hired him, was.

To what extent are youth sports organizations held liable for their coaches’ actions?

• The Volunteers for Children Act, signed into law in 1998, underscores the importance of preventative measures that must be taken by sports organizations with regard to abuse. Under this law, if a volunteer or employee of the organization sexually molests a child while in his/her care—and it can be shown that the molester had been previously convicted of a relevant crime elsewhere in the US—then the organization may be held liable for negligent hiring practices.
• Experts agree that municipalities and other youth sports providers are not altogether free from liability, even in jurisdictions where nonprofit immunity statutes may exist.
• “Youth sport leagues are expected to respond properly to allegations of misconduct, and act on any hint of abusive behavior. Any youth sport league that fails to do so may be liable for the damage caused by their negligent hiring and supervision.”.
• The most common legal reasons people are able to sue private sports organizations in the case of volunteer and coach misconduct is for vicarious liability and negligent hiring.
• Youth sports organizations have been found to breach their duty by “fail[ing] to exercise
• Reasonable care during the hiring process.” The exercise of reasonable care requires, at a bare minimum, looking into an applicant’s background through a written application, an interview and checking references."
Are there cases when local sports organizations were sued for the behavior of their coaches, and if so, were they found liable?

- Yes, in some cases the local sports organization was found liable.
- In many situations, the national umbrella association was not found liable, but the local chapter was.

What have other states done to address this?

- Minnesota, Florida, Oregon, and Ohio have already passed similar legislation.
- These states outline qualifying background check guidelines as well as limit the liability of youth sports organizations who perform said background checks.

Has anything been done at the federal level?

- The National Child Protection Act became law in 1993 and was amended in 1998 to allow organizations to use nationwide fingerprint-based criminal history checks for these very reasons.

How much would these background checks cost a local sports league?

- A California Department of Justice background check is estimated to cost $50.
- Under ABC Youth Sports' policy, sports leagues need only conduct a background check on one volunteer coach, and all other volunteers need not go through the background check policy if they are consistently working in conjunction with the cleared volunteer coach—which can save individual leagues.

Who ends up paying for the background check?

- The sports league local chapter will be expected to pay for the California Department of Justice background check.

There are many ways sports leagues currently handle the costs of performing thorough background checks:

- Additional $5 fee for each youth participating, often included in general registration fees.
- Including this expense in needs of regularly scheduled or special team fundraisers like bake sales, candy bar sales, events, raffles, car washes, etc.
- Requesting the additional $50 as a part of the community business sponsorship package.
- Having the volunteer coaches cover the costs as found in common practices of many employers.
• It’s important to recognize how much a sports organization can save in paying for consistent background checks when compared to the costs of court and lawyers’ fees if brought to court, even if the organization is not found liable

**How much would these background checks cost the state of California?**

• These background checks should not have a financial impact at the state level
• There is potential for the state to utilize these increased background checks as a revenue through the charge at the Department of Justice

**How can I get involved with this issue locally?**

• Voice your concern and ask about the background check policies in your youth sports organizations

Talk with the volunteers, coaches, parents, and sports leagues in your community and **join our coalition!** Visit our website for more details
ABC Youth Sports
Speaking Points

1. Our Name: **Alliance for Background Checks in Youth Sports**

2. your name

3. your personal perspective of the issue- a parent, concerned citizen, someone who played sports, someone who thought this was already happening, etc

4. **Problem:** Children are being abused by coaches in community sports leagues because proper background checks are not being conducted (p 1)

5. **Solution:** We want to mandate that all community sports leagues conduct background checks of their volunteers the way it is done in schools (p1)

6. **Key Points of Legislation** (p6)
   - Mandate that local sports leagues abide by the **same background check regulations as schools**
   - Background check through **Department of Justice** and fingerprinting that looks at all states
   - Anyone who is alone with a child needs to be checked, and everyone else has to be with someone who has been checked
   - Self-enforcing...if sports leagues don’t do this, they are **vulnerable to liability** charges for negligent hiring

7. Currently no mandate for background checks, sports leagues only recommend them (p3, d)

8. Sports leagues include parks and recreation, municipality, faith-based, or other community leagues (p2, a)

9. Abuse is happening (p2, c)

10. Example cases: **Norm Watson**, abused over 100 youth while a coach for Little League and had a criminal record in another state (p4, d)

11. Background checks **cost about $50** through the Department of Justice, will be paid by the leagues, at no cost to the state (p6,c)

12. Other states (p5, b) **actual language included in appendix**
Ohio 2001- does not mandate coach background checks-- but if done organizations are immune to liability

New Jersey 2012-13 (pending)- mandates background checks of youth sports leagues

Minnesota 2008- mandated background check for all volunteers working with youth Oregon and Florida, too
Advocacy Project: Alliance for Background Checks in Youth Sports

Section 9
In the Media:

Jan 3, 2013 - Press Release for ABC Youth Sports
“Concerned citizens head to Sacramento to lobby for mandated background checks for sports leagues”
   • http://www.briefingwire.com/pr/concerned-citizens-head-to-sacramento-to-lobby-for-mandated-background-checks-for-sports-leagues
   • http://www.pprlog.org/12052891-concerned-citizens-head-to-sacramento-to-lobby-for-mandated-background-checks-for-sports-leagues.html

A bill related to child abuse prevention (AB 1817) moves forward:
   • Lawmakers target child porn, domestic violence: San Diego Democrats' bills sail toward governor — U-T San Diego, 8/30/12

Ripped From The Headlines!
Click the titles to read these topic-related articles in full.

   • Man charged with soliciting sex from teens coached many area youth sports leagues — Taunton Gazette (MA), 11/18/12
   • Coach left Calif. job after sex abuse suit — Mail Tribune (CA), 11/14/12
   • California youth football coach charged with robbery that took place at his team's home party — Yahoo Sports, 11/13/12

Case Study:
Norman Watson, a Little League coach in San Bernardino, was sentenced to 84 years in prison after pleading guilty to 39 counts of lewd acts with five children that occurred during the 1990s.

Unknown to the parents or the local league—which did not conduct proper background checks on the coach—Watson was serving probation during his time as coach for a 1980 molestation offense, and had also previously undergone treatment in two state mental facilities for child molestation.

Watson admits to abusing over 100 youth in his time as a baseball coach. When brought to court, the National Little League was
San Diego concerned citizens head to Sacramento to lobby for mandated background checks for sports league coaches

For Immediate Release
December 26, 2012
website: abcyouthsports.org
email: info@abcyouthsports.org
phone: 619. 7 SPORT 6
619. 777. 6786

Monday, January 7th, ABC Youth Sports will be in Sacramento lobbying to find an author for the Safe at School, Safe on the Field bill.

Alliance for Background Checks in Youth Sports (ABC Youth Sports) is a coalition of individuals, organizations, government agencies, and community businesses who advocate on the behalf of our communities’ youth and sports programs.

ABC Youth Sports is asking California State Legislature to join the ranks of other states in their efforts to protect our children, and our community sports programs. We call for a state-wide policy requiring all California youth sports league chapters to operate with the same background check requirements held by California public school sports programs. We want our children to be safe at school and safe on the field.

Inconsistencies and lack of background checks of volunteer sports coaches allow individuals with criminal histories, including violent crimes and crimes against children, to obtain and hold positions in our local sports leagues. Under these conditions, people with questionable backgrounds have access to hundreds of youth in their care, and can endanger these vulnerable members of our communities.

ABC Youth Sports invites you to join in our fight! Contact us at info@abcyouthsports.org, 619. 7 S-P-O-R-T 6, www.abcyouthsports.org, or on Face Book!
San Diego concerned citizens successful in Sacramento lobbying for mandated background checks for sports league coaches

For Immediate Release
January 13, 2013
website: abcyouthsports.org
email: info@abcyouthsports.org
phone: 619. 7 SPORT 6 619. 777. 6786

Monday, January 7th, ABC Youth Sports was successful lobbying in Sacramento to find potential authors for the Safe at School, Safe on the Field bill.

Alliance for Background Checks in Youth Sports (ABC Youth Sports) is a coalition of individuals, organizations, government agencies, and community businesses who advocate on the behalf of our communities' youth and sports programs.

ABC Youth Sports asked California State Legislature to join the ranks of other states in their efforts to protect our children, and our community sports programs. We have called for a state-wide policy requiring all California youth sports league chapters to operate with the same background check requirements held by California public school sports programs. We want our children to be safe at school and safe on the field.

Inconsistencies and lack of background checks of volunteer sports coaches allow individuals with criminal histories, including violent crimes and crimes against children, to obtain and hold positions in our local sports leagues. Under these conditions, people with questionable backgrounds have access to hundreds of youth in their care, and can endanger these vulnerable members of our communities.

Senators and Assembly-members were shocked to find that volunteer coaches weren't being background checked before gaining access to our communities' youth. They were even more surprised to find that there were no laws on the books, or that any similar legislative proposals had previously been brought forward.

Safe at School, Safe on the Field was well-received-- democrats and republicans alike have voiced their support. ABC Youth Sports is currently reviewing legislative council suggestions and authorship offers.

We still need our communities' support-- it's more vital than ever to join our coalition and lend your business, organization, or personal name to the effort.

ABC Youth Sports invites you to join in our journey! Contact us at info@abcyouthsports.org, 619- 7 SPORT 6 (619-777-6786), www.abcyouthsports.org, or on Facebook!
ABC Youth Sports
Press Contact & Press Release Distribution List

2. Beach and Bay Press - bbp@sdnews.com
3. The Peninsula Beacon - beacon@sdnews.com
4. La Jolla Village News - ljvn@sdnews.com
5. Sammy Castanon – Writer/Producer at CBS 8 News
6. North County News
7. Julie Hoisington, Publisher - julie@sdnews.com
8. PR.com - http://www.pr.com
20. Information Online - http://www.information-online.com
Hello (name of assembly-member’s aide if known) _____/ To whom it may concern:

My name is ______ and I am with the Alliance for Background Checks in Youth Sports. We would like to request an appointment with (name of assembly member) __________________ or members of his/her staff.

We are a coalition of individuals, organizations, government agencies, and community businesses who advocate on the behalf of our communities’ youth and sports programs. There is an inconsistency in youth sports leagues’ policies regarding background checks for their volunteers and coaches. While most leagues encourage conducting background checks for all adults who work with youth, there is little to no enforcement or accountability, and the extent of the background checks vary widely.

The inconsistencies and lack of background checks allow individuals with criminal histories, including violent crimes and crimes against children, to obtain and hold coaching positions in our local sports leagues. Under these conditions, people with questionable backgrounds have access to hundreds of youth in their care, and can endanger these vulnerable members of our communities.

In these situations, the inconsistency in background check policies render the umbrella leagues, as well as the local chapters of these leagues, vulnerable to charges of liability-- not simply the coaches and volunteers in question.

ABC Youth Sports is asking for California to join the ranks of other states in their efforts to protect our children, and our community sports programs. We call for a state-wide policy requiring all California youth sports leagues and chapters to operate with the same background check requirements held by California public school sports programs. We want our children to be Safe at School and Safe on the Field.

Our coalition believes that implementing this state standard for background checks will successfully reduce the harm to our youth, and effectively protect our communities’ sports programming.

For more information please visit our website or see the attached fact sheet and white paper. I can be reached directly at this email or by phone at: XXX-XXX-XXXX.

Thank you for your time and support,

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<th>Name</th>
<th>Role</th>
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<td>51st District</td>
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<td>Senator Hannah-Beth Jackson</td>
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<td><a href="http://sd19.senate.ca.gov/">http://sd19.senate.ca.gov/</a></td>
<td>(805) 965-0862</td>
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<td>pro Tem, Darrell Steinberg</td>
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<td><a href="http://sd06.senate.ca.gov/">http://sd06.senate.ca.gov/</a></td>
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<td>(707) 576-2771</td>
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<td>Assemblymember Weber</td>
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<td>(916) 319-2079</td>
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<td>Assemblyman Jimmy Gomez</td>
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<td>(916) 319-2051</td>
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<tr>
<td>Assemblymember Brian Maienschein (REP)</td>
<td>3098*</td>
<td>10:30 a.m.</td>
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<td>Assemblymember Henry Perea (DEM) (meeting with</td>
<td>3120</td>
<td>11:00 a.m.</td>
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<td>Evan Corder)</td>
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<tr>
<td>Senator Mark DeSaulnier (DEM) (meeting with Kyle</td>
<td>5025*</td>
<td>11:00 a.m.</td>
<td></td>
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<td>Long)</td>
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<tr>
<td>Assemblyspeaker John Perez (DEM) (meeting with Eric</td>
<td>219</td>
<td>11:30 a.m.</td>
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<td>J. Astacaan, Special Asst. to the Speaker)</td>
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<tr>
<td>Senator Hannah-Beth Jackson (DEM) (meeting with</td>
<td>5080*</td>
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<td>Matthew Montgomery)</td>
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**LUNCH BREAK 12:15-12:45 p.m.**

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<td>Senator Marty Block (DEM)</td>
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<td>1:00 p.m.</td>
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<td>Assemblymember Toni Atkins (DEM) (meeting with</td>
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<td>Bridget Kolakosky, legislative director)</td>
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<td>Assemblyman Rocky Chavez (REP) (meeting with Lyndsay</td>
<td>2111</td>
<td>1:30 p.m.</td>
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<td>Mitchell, Legislative Director)</td>
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<tr>
<td>Assemblymember Brian Jones (REP) (meeting w/____)</td>
<td>3141</td>
<td>2:00 p.m.</td>
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<tr>
<td>proTem Darrell Steinberg (DEM) (meeting with aide,</td>
<td>412</td>
<td>2:00 p.m.</td>
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<td>Darby Kernan)</td>
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**MEET FOR DEBRIEF! 2:30 p.m.**

**NO FORMAL APPTS SCHEDULED, BUT WE WILL DROP OFF MATERIALS**

<table>
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<tr>
<th>LEGISLATOR</th>
<th>CAPITOL ROOM NUMBER</th>
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<td>Assemblymember Susan Bonilla (DEM)</td>
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<td>Senator Juan Vargas (DEM)</td>
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<td>Senator Mark Wyland (REP)</td>
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<td>Assemblymember Marie Waldron (REP)</td>
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<td>Assemblymember Ben Hueso (DEM)</td>
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<tr>
<td>Assemblymember Bob Wieckowski (DEM)</td>
<td>4016</td>
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*NEXT TO ROOM NUMBER INDICATES THAT THERE IS ANOTHER LEGISLATOR IN THE SAME HALLWAY WHERE WE CAN DROP MATERIALS OFF*
ABC Youth Sports
Legislative Timeline and Meeting Summary

Researching Legislators

In late November we started researching legislators in the San Diego area. We also looked for other California legislators who had served on committees such as Judiciary and Public Safety, two committees that we felt would include our campaign proposal and those with a background in either child safety or child predator bills. It was initially very challenging to compile a complete list of San Diego legislators, since most legislators’ sites had not yet been updated after the November 2012 election.

We created a spreadsheet of legislators which included local and Capitol contact information, legislator websites, district information, and additional notes on relevant information. For example, notes included information on one legislator who coached his daughter’s soccer team and another legislator who had worked on legislation for tougher laws against sexual predators.

Making Appointments with Legislators

We contacted Senator Mark Wyland’s office and spoke with Donna Cleary, his District Director. She was very interested in meeting with us to discuss our ideas and sharing them with the Senator. In addition, the Senator’s office was located in the same building as Assemblymember Rocky Chavez, a newly elected legislator, so she coordinated a meeting with his aide, Michael at the same time. In early December, we met with both Michael and Donna at the local office of Senator Wyland.

Through networking with friends of ABC Youth Sports we were introduced via email to Assemblymember Brian Maienschein and shared our campaign ideas with him. He was very interested in our idea and asked if he could send it to Legislative Counsel for review and to get the language needed to introduce this bill to legislation.

For our visit to the Capitol, we were able to set up eleven appointments with legislators. We split the appointments between two sub-teams of ABC Youth Sports. In addition, we brought extra campaign materials to drop off at the other legislative offices where we did not have scheduled appointments.

Meetings at the Capitol and Legislative Responses to Our Campaign

Assemblymember Maienschein and Erin Donnette - Legislative Director

Assemblymember Maienschein is very interested in authoring our bill. At the meeting he shared that he is not sure if he has ever had a background check when volunteering for his daughter’s team. Erin sent our white pages and fact sheet to legislative counsel after our approval. She spoke to someone in Legislative Counsel who had some additional questions for our team. We should hear back from Erin next week on results of sending our bill proposal to the legislative counsel. After returning to San Diego, we
followed up and sent Erin a copy of our revised appendix with information about legislation in other states.

**Assemblymember Perea - met with Evan Corder, Aide**

According to Evan, the Assemblymember would possibly co-author, but would not be a primary author. He asked that we have Erin, from Assemblymember Maienschein’s office, reach out to Evan to discuss the possibility of co-authoring our bill.

**Senator Mark DeSaulnier - met with Kyle Long, Aide**

Mr. Long was very surprised that there was not yet a law in regard to this issue and was stunned by many of the facts and statistics we shared. Although he liked the idea of the campaign, Kyle explained that the Senator already had a full package of bills for the year so he would not be able to author it himself. He suggested that we check with new members of both the Senate and Assembly and let us know if it gets picked up, as the Senator would possibly be able to co-author the bill.

**Assemblyspeaker John Perez (DEM) - met with Eric J. Astacaan, Special Assistant to the Speaker**

Mr. Astacaan was also surprised that this wasn’t already being done. One of his main concerns was how organized sports leagues would be defined, as he was part of a volleyball team that sometimes has members that are under 18 years of age. Although the group is organized to play against other teams it is not part of an official league, so he wanted to see how they would fit in. Additionally, Eric shared his concerns about civil litigation attorneys being opponents of the campaign because it would create an additional tort. However, he still thought this was an important issue, said he would share our information with Assemblyspeaker Perez and recommended that we take the issue directly to the Attorney General.

**Senator Hannah-Beth Jackson - met with Matthew Montgomery**

Matthew is a sports coach, has volunteered in the past, and was never background checked that he can recall. He was interested in passing this information onto the Senator. Matthew posed the question, “let’s say someone who was not background checked was alone with child - what then?” Matthew also mentioned potential opposition from smaller nonprofits and loss of volunteers due to extra paperwork, background check, or cost. We will be following up with his office to address these concerns.

**Assemblymember Susan Bonilla - met with Katie McCoy, Legislative Aide**

Katie coaches club soccer and has been background checked through live scan. She also shared a story about a former coach she knew who is serving time in jail for sexual abuse of a 16 year old. Ms. McCoy will pass our information on to the Assemblymember, along with the revised appendix we sent out via email as a follow up. We followed up with Katie and the Assemblymember is also interested in possibly authoring our bill.
Senator Marty Block

Senator Block was concerned with the cost involved for low income neighborhoods and the possibility of a drop in volunteers when they are already needed so badly. He requested that we follow up with him by providing a list of possible grants or funding that could be applied for to assist with the background check fees. Additionally he was concerned with what would be considered a disqualifying item on a criminal record and what the statute of limitations for a crime would be. In this regard we provided him with the list used by other states. Senator Block thought the campaign was an important issue, but wasn’t sure about moving forward with it until these concerns were addressed.

Assemblymember Toni Atkins - met with Bridget Kolakosky, Legislative Director

A question that Bridget had was whether the school code applies to both private and public schools. We will follow-up on this and send her a copy of the revised appendix. The Assemblymember is not carrying a large bill package due to her new responsibilities, but Bridget is interested in being kept informed on our progress, so there might be a possibility of co-authorship. We will follow-up with Bridget this week.

Assemblyman Rocky Chavez - met with Lyndsay Mitchell, Legislative Director

Since several members of the coalition had previously met with Assemblyman Rocky Chavez’ staff in San Diego, this was a follow-up meeting to answer specific questions from his Legislative Director. Ms. Mitchell had questions about the current Education Code, the cost of background checks, the background check process and what other states are doing. We were able to provide information in regard to all of her questions and she was going to take this back to Assemblyman Chavez to discuss further. She also requested that we provide her the bill language from the legislative council once it was available.

President Pro-Tem Senator Darrell Steinberg (met with Darby Kernan, consultant)

Darby was a hard sell, but she had great questions about privacy concerns, which one of our group members had mentioned in the planning of this advocacy campaign. We provided her with an appendix that showed how other states and the education code addressed this issue. Darby said that we should touch base with her if we do not get other responses, as she will give us additional help. She also recommended that we touch base with Senator Carol Liu, Senator DeLeon and Senator Block for possible legislative support.

Assemblymember Brian Jones (REP) - met with Laurie Paredes, Chief of Staff

At first Ms. Paredes was resistant to our meeting, as there was a miscommunication and the meeting time was never officially confirmed. However, once she found out we were from San Diego and specifically had support from the San Diego East County Chamber, the entire meeting turned around. After this, she became very interested in our campaign and told us it was an important issue. One of her main concerns was how to define youth sports leagues. In the end she informed us she would share the
information with Assemblymember Jones and wanted us to check back in as the campaign progressed.

**Additional Outreach to Legislators - Campaign Materials Dropped Off at Legislative Offices**

**Senator Carol Lui - Public Safety and Education Committees**

We dropped paperwork off to her office and had an on-the-spot meeting with Robert Oakes, Legislative Director. He recommended that the bill language to allow for rehabilitation consideration.

**Senator DeLeon, Public Safety Committee – met with Alfredo Medina, Legislative Consultant**

Alfredo will be our contact, as he is in charge of sports-related bills. We will follow up with him this week.

**Assemblymember Shirley Weber**

Dropped off materials and will follow-up with Crystal, Aide to the Assemblymember.

**Senator Juan Vargas**

Dropped off materials and told that they will be given to the Senator for review and they will contact us with any questions. Further follow-up is still needed.

**Assemblymember Marie Waldron**

Dropped off materials and told that they will be given to the Assemblymember for review and they will contact us with any questions. Further follow-up is still needed.

**Assemblymember Ben Hueso**

Dropped off materials and told that they will be given to the Assemblymember for review and they will contact us with any questions. Further follow-up is still needed.

**Assemblymember Bob Wieckowski**

Dropped off materials and told that they will be given to the Assemblymember for review and they will contact us with any questions. Further follow-up is still needed.

**Follow-up with Legislators**

We emailed revised appendices to each of the legislators and aides, made calls and sent emails to say thank you for the meetings and offered to answer any additional questions they may have.
Next Steps

- See about meeting at the local office or via phone conference with Erin from Assemblymember Maienschein’s office to clarify our intentions regarding the issues brought up from the Legislative Counsel.
- Try to meet with Assemblymember Bonilla’s office to discuss possible authorship.
- Continue to follow-up on meetings with the additional legislators and staff.
- Make a list of possible authors and co-authors.
- Decide which legislator we want to carry our bill.
- With many legislators interested in our bill, we will be doing some additional follow-up to keep them up-to-date on the campaign progress.
Advocacy Project: Alliance for Background Checks in Youth Sports

Section 11
ABC Youth Sports
Next Steps

An important part of the process after meeting and sharing the campaign with elected officials is monitoring the progress going forward. The following steps will be part of this process and additional ones may be added as the project advances.

1. As the legislative council creates language for the bill for possible authors our coalition will need to make sure it meets the needs and intent of the campaign.

2. We will need to choose an author to carry the bill forward and work on getting co-authors to show support across the board.

3. The coalition will assist the author and their staff with additional research as needed. As part of this we will update the white paper, fact sheet, website and other educational materials as new information is found.

4. The group will continue to work on establishing additional coalition members to support the campaign. These will include groups that one might think would oppose the bill.

5. We will need to respond to any questions that arose from the meetings in Sacramento with legislators or their staff. Additionally, the coalition will need to keep the legislators apprised of the status of the campaign going forward.