

City of Newport News

Park, Recreation & Tourism Athletics

Background Screening Policy

PURPOSE

It is the intent of this policy to establish certain guidelines wherein the City of Newport News Department of Parks, Recreation & Tourism (hereinafter referred to as "Parks and Recreation Department") and its affiliated recreation clubs can seek to protect our children by investigating the background of volunteers who will be coaching children involved in athletic programs approved by the Parks and Recreation Department.

GENERAL

A. All recreation staff shall ensure that all participants 17 years of age or younger shall have at least one (1) approved coach or assistant coach (hereinafter collectively referred to as "Coach") present at each athletic activity, including practices and games. A Coach becomes approved once the process described in this policy is completed.

B. Any person who has been convicted of, or has a pending charge pertaining to, any of the disqualifying offenses listed in this policy will be immediately disqualified from coaching (either as a head coach or an assistant coach) in any athletic program approved by the Parks and Recreation Department. A Coach who willfully fails to comply with this background screening policy shall be automatically disqualified.

C. Each Coach will have his or her background checked every 12 months for as long as he or she continues coaching.

SCREENING PROCESS

1. The Parks and Recreation Department will provide online background checks through Protect Youth Sports for each head coach, assistant coach and regular team volunteer participating in City of Newport News athletic programs. Athletic Staff will distribute information to all coaches and volunteers about when deadlines are to complete online background checks.

2. The Parks and Recreation Department Athletics Staff will establish deadlines by which the online background checks are to be completed. These deadlines will be at least one week prior to the start of each sport season. This will give the Parks and Recreation Department time to compile coach's information and have the background checks conducted. After the background check, the results of the background check will stay with the City of Newport News' Department of Parks and Recreation. The Department of Parks and Recreation will advise any coaches who are disqualified. All information pertaining to the background check will remain with City of Newport News's Department of Parks and Recreation, subject to the applicable laws requiring disclosure.

3. If any disqualifying entries are reported in the criminal background check, the Parks and Recreation Department shall notify the Coach by phone or email that he is disqualified. The Coach may receive a copy of the background check from the Department of Parks and Recreation if requested. The Parks and Recreation Department will send an acknowledgement form that the Coach must sign and return to the department.

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CONFIDENTIALITY

All persons receiving background information regarding an individual shall maintain the confidentiality of such information in accordance with applicable law. Parks and Recreation shall destroy all criminal background information after a final decision has been made regarding the eligibility of an individual to participate with a co-sponsored youth organization.

ACCOUNTABILITY

It is important for the integrity of the background screening program that all recreation staff verify that (1) only those persons who are screened and who are not disqualified coach or assist in the coaching of the young people in the athletic programs approved by the Parks and Recreation Department, and (2) that such persons are active with only the team or teams identified and the background check is pertaining to that person.

BARRIER CRIMES

No individual shall be permitted to participate in a sponsored or co-sponsored youth organization if the results of the background check show that the person has ever been convicted of any of the following crimes as set out in Title 18.2 of the Code of Virginia as may be amended or equivalent offenses in another state. All sex offenses and felony violence crimes will prohibit a person from participating, regardless of time since the offense. All felony offenses with the exception of violence and sex within ten (10) years of application date will serve as barrier crimes.

A. Crimes Against People

1. Murder and manslaughter (§ 18.2-30 et seq.)
2. Malicious wounding by mob (§ 18.2-41)
3. Abduction (§§ 18.2-47A, -48)
4. Felony assault and bodily wounding (§ 18.2-51 et seq.)
5. Robbery (§ 18.2-58)
6. Carjacking (§ 18.2-58.1)
7. Extortion and other threats (§§ 18.2-59, -60)
8. Sexual assault (§ 18.2-61 et seq.)
9. Felony stalking (§ 18.2-60.3)
10. Any other felonies against the person as defined by the *Code of Virginia*
11. Convictions of any attempts or conspiracies to commit any of the aforesaid crimes

B. Crimes Against Property

1. Felony arson (§ 18.2-77 et seq.)
2. Burglary (§ 18.2-89 et seq.)
3. Convictions of any attempts or conspiracies to commit any of the aforesaid crimes

C. Crimes Involving Health and Safety

1. Multiple misdemeanor drug or alcohol offenses within ten (10) years of the date of application

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2. Felony conviction relating to distribution of drugs within ten (10) years of the date of application (§18.2-247 et seq.)
3. Felony possession of drugs within seven (7) years of the date of application (§18.2-247 et seq.)
4. Drive-by shooting (§ 18.2-286.1)
5. Use of machine gun in a crime of violence (§ 18.2-289)
6. Aggressive use of machine gun (§ 18.2-290)
7. Use of sawed off shot gun in crime of violence (§ 18.2-300A)
8. Felonious discharge of firearms within or at occupied dwellings (§ 18.2- 279)
9. Convictions of any attempts or conspiracies to commit any of the aforesaid crimes

D. Crimes Involving Morals and Decency

1. Failing to secure medical attention for injured child (§ 18.2-314)
2. Pandering (§ 18.2-355)
3. Crimes against nature involving children (§ 18.2-361)
4. Taking indecent liberties with children (§§ 18.2-370, -370.1)
5. Abuse and neglect of children (§ 18.2-371.1)
6. Obscenity offenses (§ 18.2-374.1)
7. Possession of child pornography or electronic facilitation of pornography (§§ 18.2-374.1:1, -374.3)
8. Incest (§ 18.2-366)
9. Abuse and neglect of incapacitated adults (§ 18.2-369)
10. Employing or permitting a minor to assist in an act constituting an obscenity offense (§ 18.2-372 et seq.)
11. Convictions of any attempts or conspiracies to commit any of the aforesaid crimes

E. Crimes Against Minors – Any conviction for a crime against the person of a minor, felony or misdemeanor, inclusive of the crimes set forth above, which involves sexual or physical misconduct will prohibit a person from participating in any sponsored or co-sponsored activity.

F. Restoration of Rights- A barrier crime shall be treated as a crime if the individual who has been convicted of the barrier crime received an executive order from the Governor restoring his or her political disabilities provided that such crime does not involve violence or is a crime against a minor.

REVIEW PROCESS

If a Coach's background check includes a charge set forth on the list of disqualifiers above, the Parks and Recreation Department shall immediately disqualify a person from volunteering as a coach.

If a Coach wishes to dispute the content of the profile report, the Coach shall contact the third party responsible for conducting the background check by calling the telephone number listed on the report. The Coach is responsible for providing any or all documentation to support his or her claim.

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- A. All pending charges for barrier crimes (except crimes against minors) and convictions for other crimes revealed through a background check shall be reviewed on a case-by-case basis to determine if the individual poses a safety risk to the children involved in the program. No individual may be found ineligible because of pending charges, except for barrier crimes. However, an individual may ultimately be found ineligible if the previously pending charge results in a conviction which indicates that the individual poses a safety risk to children. Any pending charges, felony or misdemeanor, against minors, shall render the ineligible unless or until such charges are subsequently dismissed or the individual is found not guilty.
- B. All cases under review shall be considered anonymously by a committee comprised of a representative of Parks and Recreation Advisor Commission, Parks and Recreation Director or Assistant Director, Parks and Recreation Athletic Staff, City Police or Park Ranger, City Attorney's Office, and City Mental Health as available . ("Committee").
- C. If, upon review of the record, the Committee determines that the individual is eligible to participate, the individual's name shall be forwarded to Parks and Recreation Department.
- D. If, upon review of the record, the Committee determines that an individual should be disqualified from participating, the individual will be contacted directly by Parks and Recreation Director, advised of the Committee's concerns and be given an opportunity to withdraw from consideration or provide evidence of any mitigating circumstances prior to a final decision being made by the Committee concerning the individual's eligibility to participate.
- E. Among factors that the Committee may consider in deciding whether an individual should be permitted to participate or coach, the Committee may consider the nature and character of the past conduct; the length of time since the offending conduct; rehabilitation of the individual, if applicable; and how such conduct affects the integrity of the program.
- F. The Committee's decision to disqualify an individual must be a majority vote.