



# Background Check Policy

The Divide Little League utilizes criminal background checks, as required by California law, to determine if any youth sports volunteer has a criminal history that could jeopardize the safety and welfare of any child participating in Little League. This policy describes the background check approach, disqualifying infractions, and the appeals process.

## **POLICY**

A criminal background check (JDP, USA Baseball and Live Scan) is a manual or database search of state and/or local government files to determine if the individual applying to volunteer has had a past criminal conviction. Per Little League International policies, state and federal requirements, Divide Little League will conduct:

1. Background checks via J.D. Palatine every year on all volunteers regardless of their position or the number of years they have been involved in Little League; and
2. Live Scan background checks on all volunteers permitted to associate with children and all league administrators in 2022 for current such volunteers (law enacted January 1, 2022) and upon initial submission of the volunteer application for all other such volunteers going forward.

## **Disqualification**

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

1. All sexual offenses, regardless of the amount of time since the offense. Examples include, but are not limited to: child molestation, rape, sexual assault, sexual battery, sodomy, prostitution, solicitation, indecent exposure.
2. All felonies that constitute offenses against the person, regardless of the amount of time since the offense. Examples include, but are not limited to: murder, manslaughter, aggravated assault, kidnapping, robbery, aggravated burglary.
3. Any crimes involving children, regardless of the amount of time since the offense.
4. All felony offenses other than those against the person or sexual within the past 10 years. Examples include, but are not limited to: drug offenses, theft, embezzlement, fraud.
5. All misdemeanors that constitute offenses against the person within the past 7 years. Examples include, but are not limited to: simple assault, battery, domestic violence, hit & run.

6. All misdemeanor drug and alcohol offenses within the past 5 years or multiple of such offenses in the past 10 years. Examples include, but are not limited to: driving under the influence, simple drug possession, drunk and disorderly, public intoxication, possession of drug paraphernalia.
7. Any other misdemeanor within the past 5 years that could be considered a potential danger to children or is related to the functions of the applicant. Example of this is theft if the person is managing money.

***In addition, applicants will be disqualified if they have:***

8. Been adjudged liable for civil penalties or damages involving sexual or physical abuse of children.
9. Been subject to any court order involving sexual abuse or physical abuse of a minor, including but not limited to a domestic order or protection.
10. Had their parental rights terminated.
11. Not reported honest answers on their application form or misrepresented the number, type, or gravity of any convictions, regardless of the nature of the offense or time elapsed since the conviction.

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

## **Appealing Decisions**

Any volunteer denied by Divide Little League may request an interview/review by the Background Check Sub-Committee. The vote of the sub-committee regarding the appeal will be final.

### ***How to Appeal***

To appeal a decision, a notice of appeal must be filed. The notice of appeal must be mailed by registered mail to Divide Little League P.O. Box 72, Cool, CA 95614, within 30 days of receiving the background check notification letter. A copy of the decision that is being appealed (e.g., the notification letter) should be included with the notice of appeal. For the notice of appeal to be accepted, it must include:

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

## **Handling of Information**

The dedicated staff member in charge of the program for Divide Little League will administer the process of background checks. **All information received from the screening process will be kept confidential and only the approved Custodian(s) of Records will be authorized to review or have access to**

## **criminal background reports.**

Should the background check process produce information that would prevent a volunteer from being approved, Divide Little League will be responsible for issuing any required written notices to the volunteer in a confidential manner. The volunteer is responsible for taking appropriate action to have the results of the criminal check report corrected if they believe information was reported in error.

Divide Little League is also responsible for securing the written results of the criminal background checks in a safe and secure location and keeping them for the time period required by law, or two years, whichever is greater.

Should the background check indicate that a volunteer has criminal charges pending that fit the description of charges in our detailed infractions list, the volunteer may be rejected from volunteering until there is a resolution of the charges. Should an approved volunteer subsequently have any criminal charges brought against them that are listed in the detailed disqualification list during their term of service to Divide Little League, they will be required to immediately disclose the nature of the charges to Divide Little League and voluntarily terminate their volunteer duties until a determination is made by Divide Little League regarding the effect of the pending charges on the volunteer's functions within the program.

## **Non-waiver**

Nothing in this policy shall be construed as a waiver or limitation of the discretion of Divide Little League to disqualify an applicant for a volunteer position when, in the sole opinion of Divide Little League, such is in the interests of Divide Little League or its program participants.

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## **Addendum**

The following addendum was approved by the DLL Board of Directors

NLI (No Longer Interested) Request Policy

The California Penal Code section 11105.2(d) states, in part:

“...any agency which submits the fingerprints of applicants for employment or approval to the Department of Justice (DOJ) for the purpose of establishing a record of the applicant to receive notification of subsequent arrests, shall immediately notify the department when employment is terminated, or the applicant is not hired. It is the responsibility of the hiring/approving authority to notify the DOJ, Bureau of Criminal Information and Analysis when employment has been terminated or when an applicant or volunteer is not actually retained to the position for which they applied.”

In accordance with the above, when an individual is no longer a coach with DLL, their record will be removed from the DLL DOJ report list via the No Longer Interested (NLI) Request process. DLL volunteer manager and coach appointments are completed in January of each year. Any previous manager or coach who is not appointed by DLL in January will have an NLI request submitted to the DOJ by the DLL Custodian of Records, and DLL will no longer receive reports about that individual per CA state law.

Similarly, a DLL Board member who completes their term and is no longer a member of the board will have an NLI request submitted to the DOJ via the AAJC system and DLL will no longer receive reports about that individual per CA state law.