



## CHESTERFIELD COUNTY ADMINISTRATIVE POLICIES AND PROCEDURES

**Department:** Parks and Recreation  
**Subject:** Background Check Policy for Chesterfield County  
Parks and Recreation Co-Sponsored Youth

**Policy Number:** 18-1  
**Supersedes:** 6-24  
**Date Issued:** 10-12-09

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### Organizations

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#### I. PURPOSE

The purpose of this policy is to require background checks on all organizational officers and/or directors, instructors, coaches and assistant coaches of Chesterfield County Parks and Recreation co-sponsored youth organizations in order to preserve the safety and well-being of children served by such organizations. Co-sponsored organizations shall not permit individuals to work with children if they have demonstrated past conduct incompatible with service to or care of children. Each co-sponsored organization shall be responsible for ensuring that its volunteers comply with this policy.

#### II. IMPLEMENTATION

- A. The County's Parks and Recreation Department shall assist co-sponsored organizations in implementing and administering this policy. The County may revoke a co-sponsorship agreement for any organization that violates this policy.
- B. Each organizational officer and/or association director, instructor, coach or assistant coach shall be required, as a condition to participate in co-sponsored activities, to submit to fingerprinting and execute a release of information form. Failure to submit to fingerprinting or complete the release shall disqualify the individual from participation. All individuals must provide truthful, correct and complete information on the release. Failure to do so may result in disqualification. The [Release of Information](#) form is automated and available on Chesterfield Parks and Recreation intranet site.
- C. The Chesterfield County Parks and Recreation Department, Human Resources Division (Police HR), shall process each release in order to receive national and state conviction information from the Central Criminal Record Exchange (CCRE) maintained by the State Police; the Sex Offender and Crimes Against Minors Registry from State Police; the Court Access Information System (CAIS) maintained by the Virginia Supreme Court and local police records as deemed necessary by the county's background investigator. Participant fingerprints will be forwarded through the CCRE to the Federal Bureau of Investigations for the purpose of obtaining national criminal history record information.
- D. Police HR shall forward to the Parks and Recreation Department the names of all individuals who have had their background investigation completed and who are eligible for participation with a co-sponsored organization.
- E. Individuals may begin participating prior to the completion of a background investigation if they have submitted to fingerprinting and completed a release and filed it with Police HR. It shall be the responsibility of each co-sponsored organization, however, to prohibit an individual from participating if the individual is later found to be ineligible under this policy.
- F. Once an individual has been found eligible to participate in one co-sponsored youth activity, the individual's name shall be placed on a list of individuals eligible for all co-sponsored activities and issued a card. The list shall be maintained on Chesterfield County's web site by the Parks and Recreation Department. The County Administrator may implement a system-wide random criminal background check process for all co-sponsored coaches and other association representatives if he deems such a process appropriate.

- G. An individual's eligibility to participate in co-sponsored youth activities will expire three years after the date that their card is issued. To continue participation, the individual must reapply and follow procedures as outlined in section II.B through II.F.
- H. All coaches approved prior to January 1, 2005, will be phased into the new system over a three year period with one third of the coaches being notified randomly each year that they must submit to the criminal background check process (as outlined in section II.B through II.F) to continue coaching in co-sponsored programs.

### **III. BARRIER CRIMES:**

No individual shall be permitted to participate in a 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:

#### **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. Felony conviction relating to distribution of drugs. (§18.2-247 et seq.)
2. Felony possession of drugs within eight (8) years of the date of application (§18.2-247 et seq.)
3. Drive-by shooting (§ 18.2-286.1)
4. Use of machine gun in a crime of violence (§ 18.2-289)
5. Aggressive use of machine gun (§ 18.2-290)
6. Use of sawed off shot gun in crime of violence (§ 18.2-300A)
7. Felonious discharge of firearms within or at occupied dwellings (§ 18.2-279)
8. 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.
- F. **Restoration of Rights**- A barrier crime shall be treated as a crime under IV.A 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.

#### IV. ALL OTHER CRIMES

- 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 individual ineligible unless or until such charges are subsequently dismissed or the individual is found not guilty.
- B. All cases under this Section IV shall be considered anonymously by a standing committee comprised of a representative of HRM, County Parks and Recreation, County Police, County Attorney's Office, and County Mental Health. ("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 as provided in Section II.D.
- 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 Police HR, 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.

#### V. CONFIDENTIALITY

All persons receiving background information regarding an individual shall maintain the confidentiality of such information in accordance with applicable law. Police HR 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.