



US LACROSSE PLAYER SAFETY BULLETIN

Date: March 24, 2008

To: Youth Lacrosse Program Administrators

From: US Lacrosse

Re: Criminal Background Check Policy Recommendation for Youth Lacrosse Organizations

Overview

Establishment of a US Lacrosse recommendation for youth lacrosse programs to implement a criminal history background check process for coaches and other volunteers has been under consideration by the US Lacrosse Board of Directors for some time.

US Lacrosse provides leadership and resources focused on helping youth programs provide a safe and positive experience for youth participating in lacrosse. The enormous growth of youth participation in the sport, and the commensurate growth of volunteers working with children in youth programs, necessitates consideration of ways in which coaches and volunteers are solicited, selected, trained and retained. US Lacrosse understands and applauds the fact that a number of state and local coaching, recreation and youth lacrosse organizations have application or evaluation policies in place that examine the qualifications and/or backgrounds of individuals working with youth.

After significant research and consultation with the National Council of Youth Sports, national governing bodies of a number of other sports, and youth lacrosse leaders, US Lacrosse concluded that it should provide a universal and comprehensive recommendation regarding criminal history background checks of coaches and volunteers who are involved with youth lacrosse programs throughout the United States.

Recommendations

US Lacrosse strongly recommends that youth lacrosse programs establish a criminal history background check program for all coaches and volunteers who interact with youth players.

While there are a number of organizations that provide criminal history background check services, US Lacrosse has established a strategic alliance with the National Center for Safety Initiatives (NCSI) to provide assistance to the national lacrosse community in this regard. NCSI (www.ncsisafe.com) has received the endorsement of the National Council of Youth Sports and provides services to the United States Olympic Committee, the national governing bodies of many other sports, and hundreds of youth programs throughout the country. NCSI also conducts criminal history background check for a number of national programs managed by US Lacrosse.

As a result of its strategic alliance with US Lacrosse, NCSI provides US Lacrosse-affiliated organizations with a special discount for its comprehensive service, which includes the following:

- ∞ National Criminal Database searches
- ∞ All available state sex offender registries searches
- ∞ Social security number verification
- ∞ Address history records
- ∞ OFAC federal terrorist database search
- ∞ One single county search (additional fees may apply)
- ∞ "Red Light/Green Light" determination based on the NCYS Recommended Guidelines[®]
- ∞ Fair Credit Reporting Act (FCRA) & Fair and Accurate Credit Transactions Act (FACTA) compliance
- ∞ Identity verification
- ∞ Full follow-up and investigation of records
- ∞ Secure online applicant self registration form for collection of confidential information and consent directly from applicants
- ∞ Safe and confidential storage of records
- ∞ Assistance on legal issues
- ∞ Easy to read summary report

The Criteria Recommended by US Lacrosse

US Lacrosse has adopted and recommends the criteria regarding national criminal history background checks established by the National Council of Youth Sports. NCSI is the only background screening company licensed by the National Council of Youth Sports to use these Recommended Guidelines.

Convictions for the five following crimes will prompt a determination that an applicant does not meet the criteria to serve a youth lacrosse organization:

- ∞ Any felony (any crime punishable by confinement of greater than one year)
 - Defined on the basis of exposure for the offense for which the defendant was convicted, pled guilty or pled nolo contendere. If pled down, then the crime to which the defendant ultimately pled.
 - Defined as all crimes punishable by greater than one year in jail or prison, regardless of how characterized by jurisdiction. If range, alternate sentencing or indeterminate sentencing, outer range greater than one year.
- ∞ Any lesser crime involving force or threat of force against a person.
- ∞ Any lesser crime in which sexual relations is an element, including "victimless" crimes of sexual nature (including pornography)
- ∞ Any lesser crime involving controlled substances (not paraphernalia or alcohol)
- ∞ Any lesser crime involving cruelty to animals

This criteria was published by the National Council of Youth Sports following its participation in the development of the PROTECT Act of 2003 and work with the National Center for Missing and Exploited Children.

"Red Light"/"Green Light" System

NCSI utilizes a procedure that can be referred to as a "Red Light / Green Light" protocol. This process allows the sensitive nature of the details of a "Red Light" determination to remain confidential. For instance, NCSI utilizes a "Red Light"/"Green Light" system to inform youth programs whether or not an individual meets the above-referenced criteria to serve a youth lacrosse organization based on the results of the criminal history background check. A "Red Light" indicates that:

- ∞ The applicant does not meet the criteria
- ∞ The applicant has been convicted of a criterion offense, and/or
- ∞ The applicant is a sex offender registrant

A "Green Light" indicates that:

- ∞ The applicant meets the criteria
- ∞ The applicant has no criminal record, and/or
- ∞ The crime for which an applicant was convicted is not a criterion offense

US Lacrosse recommends that if the background check of any coach or volunteer results in a "Red Light," and the appeals process, if any (see below), does not satisfy the local youth organization's concerns, the individual should be prohibited from working with the lacrosse youth program.

US Lacrosse has also decided that all candidates seeking US Lacrosse Coach Certification will undergo a criminal history background check to be granted certification. If the criminal history background check results in a "Red Light," the candidate will not be certified and his/her membership in US Lacrosse will be denied or revoked. US Lacrosse membership will also be denied or revoked if US Lacrosse learns that a current member has received a "Red Light" as a result of a background check conducted by a youth program.

Criminal Background Check Process

Background check organizations may contract with youth organizations to conduct criminal history background checks. As an example, if a local organization contracts with NCSI, prospective coaches and volunteers complete a confidential application authorizing the check and providing an opportunity to disclose any offenses. The completed form is submitted directly to NCSI, and the background check is conducted. If the check results in a "Green Light," the authorized representative of the requesting organization is informed of such. If the check reports criminal records that may result in a "Red Light", the records will be mailed to the candidate. Once notified, the candidate has the opportunity to appeal the accuracy of the record. The nature of the appeal is to correct an error (name, record should have been expunged, not the correct record, etc.). If the check results in a "Red Light," the authorized representative of the organization is sent notice of the "Red Light". A "Red Light" may also result from an incomplete record, which may or may not get resolved at this stage. However, false information from the applicant is usually worked out through the initial application process so that a "Red Light" results from a criminal conviction, not an incorrect application.

If a "Red Light" is issued to the candidate, it is reported to the authorized representative of the requesting organization. It is up to the organization whether it wishes to know the disqualifying offense or prefers only to receive a "Red Light" designation. Once authorized by the organization, an "Adverse Action Notice" is issued to the candidate by NCSI. The "Adverse Action Notice" is sent to the candidate by NCSI. This notice is an organization's formal denial of an applicant's right to coach or volunteer, as well as US Lacrosse's denial of the applicant's membership, educational standing or employment.

Impact of a "Red Light" to Candidates

The risk to candidates beyond loss of membership and/or opportunity to participate is only greater if confidentiality is not maintained. Disclosure of background check results is a delicate matter with serious legal implications. As part of this recommendation, US Lacrosse urges each local organization to implement stringent confidentiality guidelines. Notification to anyone other than the individual whose background is at issue (and US Lacrosse or the conducting local program representatives -subject to strictly-enforced confidentiality guidelines) is a matter requiring legal counsel. Unless legal counsel has drafted a disclosure policy in conformance with governing laws, US Lacrosse or local programs should not disclose the information to anyone other than the individual and internal organizational employees/representatives subject to confidentiality.

Proper Notification to Volunteers

It is imperative that US Lacrosse and/or the local youth organization clearly state that a "Red Light" will result in a denial of right to participate/serve and membership. Disclosure of the disqualifying offenses and potential adverse action is a critical aspect of the program. This information should be disclosed to applicants/volunteers at the outset of the background check process.

NCSI Contact Information

For more information on NCSI (www.ncsisafe.com), please call 866-833-7100, and select Option 2 from the introductory message. If you wish to establish an account and benefit from US Lacrosse discount pricing for criminal background history check services, you must refer to Discount Code "LAX08".