

LMBA Criminal History Background Check Policy & Procedures

GENERAL

LMBA requires a criminal background check for all adults serving on the Board of Directors (including Executive Officers, Officers, and all Auxiliary Committee members) or serving as a manager, coach (including head coach and assistant coach), team parent, or any other volunteer position that has direct contact with LMBA members/players (other than one's own child) during LMBA activities – including games and practices.

Background checks shall include, at a minimum, a criminal history background check performed by the State of California Department of Justice ("DOJ") via digitally scanned fingerprints ("Live Scan") or as otherwise approved by the LMBA Board of Directors.

Applicants shall submit DOJ Form BCII 8016 referencing the most current "Contributing Agency Information" for LMBA to an authorized Live Scan Operator *prior* to serving in or performing any duties as any of the aforementioned volunteer positions. Applicants shall be responsible for all costs of the criminal history background check.

Results of the criminal history background check shall be provided by DOJ to the authorized "Custodian of Records", and the Custodian of Records shall determine whether an applicant is qualified for service in any of the aforementioned volunteer positions in accordance with this Policy & Procedures.

A determination that an applicant qualifies for a volunteer position does not negate the need for the applicant to be elected, appointed, or ratified as otherwise set forth in the LMBA By-Laws or LMBA Rules & Regulations, nor does such qualification prevent the Board of Directors or the Rules Committee from disqualifying an applicant based upon other equally important factors (e.g., experience, character, responsibility, motivation, adherence to LMBA's Code of Conduct, etc.).

An applicant shall be required to undergo a new criminal history background check if the applicant has not served in a volunteer position with LMBA within the preceding 36 months.

CONFIDENTIALITY

To help ensure confidentiality, the Live Scan results shall be kept by the authorized Custodian of Records in a secure location for a period as allowed by applicable law, or until the applicant has not served in any volunteer position for LMBA for at least 36 consecutive months.

The Live Scan results shall not be disclosed to any person except as set forth in this Policy & Procedures, or as otherwise required or allowed by law.

DISQUALIFICATION

A person shall be automatically disqualified for and prohibited from serving in any volunteer position for LMBA if the person:

1. Has been convicted¹, *at any time in the past*, of any crime against a minor (including, but not limited to, abandonment, abuse, endangerment, indecency, sexual assault, pornography, possession or promotion of pornography, enticement, or solicitation) or of any crime involving a minor as an accomplice;
2. Has been adjudged, *at any time in the past*, liable for civil penalties or damages involving sexual or physical abuse of children;
3. Has been, *at any time in the past*, subject to any court order involving sexual or physical abuse of a minor, including, but not limited to, domestic order for protection;
4. Has a history with another organization of complaints of sexual, physical, or emotional abuse of minors;
5. Has been convicted *within 20 years from the date of the application* of any violent crime or other serious crime against a person (including major sex offenses);
6. Has been convicted *within 10 years from the date of the application* of any theft related crime or fraud;
7. Has been convicted *within 10 years from the date of the application* of any serious substance abuse crime;

A person shall be subject to disqualification for serving in any volunteer position for LMBA if the person:

1. Has been released from the custody of any local, County, State, or Federal governmental authority *within 10 years from the date of the application* as a result of a conviction of any violent crime, serious crime against a person (including major sex offenses), theft related crime or fraud, or serious substance abuse crime, irrespective of when the crime or conviction occurred;

¹ As used in this Policy & Procedures, “convicted” shall include any conviction after trial, plea of guilty, or plea of no contest/nolo contendere. Any person who has entered a plea of guilty or nolo contendere but whose judgment has been deferred (“DEJ”) shall be deemed convicted unless the court has terminated and dismissed the case.

2. Has pending legal proceedings (including administrative, civil, or criminal) which involves any of the grounds for automatic disqualification;
3. Has been convicted *within 10 years from the date of the application* of any less serious crimes against a person, miscellaneous substance abuse crime, or miscellaneous crimes;
4. Has a pending criminal case which involves any less serious crime against a person, miscellaneous substance abuse crime, or miscellaneous crime.

A person on probation or parole, or otherwise required to complete a court ordered rehabilitation or other such program following a conviction for a crime appearing in the Tables of Crimes will not be considered for any volunteer position until all terms and conditions established by the court have been satisfied and proof of completion submitted to LMBA.

Most felony convictions will likely result in disqualification. Evidence of multiple convictions, either felony or misdemeanor, will likely result in disqualification. Where a conviction is remote in time or where the applicant's conduct since the conviction(s) indicates rehabilitation or lack of risk to the LMBA membership, LMBA may exercise its discretion to deem an applicant qualified for a volunteer position.

Where LMBA exercises discretion in the application of this policy, it must be exercised in a uniform manner, so that substantially similar convictions and circumstances result in substantially similar treatment of potential volunteers.

Volunteers for LMBA are required to maintain good moral character at all times that they serve as a volunteer for LMBA. Accordingly, volunteers may be disqualified if any ground for disqualification occurs or is otherwise discovered at any point during the volunteer's service.

If an applicant is disqualified from serving in a volunteer position for LMBA as a result of a criminal history background check, the Custodian of Records shall cause a Notice of Disqualification to be issued to the applicant in a form substantially similar to the following:

Dear _____:

When you applied to volunteer with the La Mirada Baseball Association ("LMBA"), you consented to a criminal history background check. The LMBA Custodian of Records has received the results of your live scan from the State of California Department of Justice ("DOJ").

Based upon the information in the report from DOJ, and in accordance with the LMBA Criminal History Background Check Policies & Procedures, the Custodian of Records has determined that you are disqualified from serving as a volunteer for LMBA at this time. A copy of the results of your criminal history background check is enclosed herein for your review, along with a copy of the LMBA Criminal History Background Check Policies & Procedures.

[If you wish for the LMBA Rules Committee to reconsider your qualification for a volunteer position, you must submit a written Request for Reconsideration of Qualification to the current LMBA Vice President (who is the chairperson of the LMBA Rules Committee) within fifteen (15) calendar days of the date of this Notice. The Request must include a copy of this Notice and must contain, at a minimum, the following information:

1. The full name and address of the applicant;
2. The ground(s) for reconsideration in sufficient detail to enable the Rules Committee to understand the nature of the controversy (including a detailed explanation of the applicant's objections to the disqualification, factual errors in the decision, additional facts – including any rehabilitative efforts undertaken by the applicant);
3. A description of the relief being requested; and,
4. The signature of the applicant.

By submitting a Request for Reconsideration of Qualification, you consent to the disclosure of the results of your criminal history background check to be disclosed to the members of the LMBA Rules Committee and the LMBA Secretary.]]²

If you have any questions regarding this Notice, please do not hesitate to contact me at (###) ###-#### or _____@_____._____.

Sincerely,

La Mirada Baseball Association
Authorized CORI Custodian of Records

² The bracketed portion of the Notice shall only be included in those instances where the basis for disqualification did not constitute grounds for an *automatic disqualification*.

APPEALS OF DETERMINATION OF DISQUALIFICATION

Any applicant that has been *disqualified* for a volunteer position with LMBA as a result of a criminal history background check may request reconsideration by the LMBA Rules Committee within fifteen (15) calendar days of the date of the Notice of Disqualification issued by LMBA if, and only if, the ground for disqualification was not a ground for **automatic disqualification**.

To request reconsideration, an applicant must file a written Request for Reconsideration of Qualification with the LMBA Vice-President (who is the chairperson of the LMBA Rules Committee) within fifteen (15) calendar days of the date of the Notice of Disqualification. The written request must contain a copy of the Notice of Disqualification, and must also contain, at a minimum, the following information:

1. The full name and address of the applicant;
2. The grounds for reconsideration in sufficient detail to enable the Rules Committee to understand the nature of the controversy (including a detailed explanation of the applicant's objections to the disqualification, factual errors in the decision, additional facts – including any rehabilitative efforts undertaken by the applicant);
3. A description of the relief being requested; and,
4. The signature of the applicant.

If an applicant requests reconsideration, the applicant consents to the disclosure of the results of the criminal background history check to all members of the LMBA Rules Committee and LMBA Secretary. The LMBA Rules Committee may, in its discretion, schedule an interview with the applicant before making a determination on the request for reconsideration. **The determination of the LMBA Rules Committee shall be final and binding.**

TABLES OF CRIMES

TABLE I Violent Crimes & Serious Crimes Against a Person*

Aggravated Assault	Hit and Run Causing Injury/Death
Aggravated Battery w/ Firearm	Kidnapping
Armed Robbery	Murder
Arson	Possession of Explosives
Assault	Preventing a 911 Call
Attempted Murder	Terrorism
Battery	Reckless Homicide
Blackmail	Robbery
Child Abandonment	Second Degree Murder
Child Abduction	Stalking
Child Pornography	Solicitation for Murder
Cruelty to Animals	Tampering w/Food or Drugs
Domestic Battery	Threatening Public Officials
Endangering the Life or Health of a Child	Treason
Exploitation of a Child	Unlawful Restraint
Extortion	Vehicular Car Jacking
Harboring a Runaway	Vehicular Endangerment
Hate Crime	Violation of Order of Protection
Home Invasion	Voluntary Manslaughter
[Any similar or equivalent crime in any State]	

TABLE II Sex Offenses*

Bigamy	Lewd and Lascivious Behavior
Child Pornography	Obscenity
Criminal Sexual Abuse	Pandering
Criminal Sexual Assault	Pimping
Criminal Transmission of HIV	Prostitution
Distribution/Sale of Pornography to a Minor	Public Indecency
Indecent Solicitation of a Child	Sex with a Minor
Indecent Exposure	Sexual Exploitation of a Child
Keeping a Place of Prostitution	
[Any similar or equivalent crime in any State]	

TABLE III Serious Substance Abuse Crimes*

Abuse of Prescription Medicines	Possession of Marijuana, more than one ounce
Criminal Drug Conspiracy	Possession of Illegal Substances
Distribution and/or Sale of Alcohol to Minors	Sale or Manufacture of Illegal Substances
Illegal Transportation of Controlled Substances	
[Any similar or equivalent crime in any State]	

TABLES OF CRIMES

TABLE IV Theft-related Crimes*

Bid Rigging	Looting
Bid Rotating and Kickbacks	Money Laundering
Bribery	Misuse of Credit Card
Burglary	Possession of Burglary Tools
Check Kiting	Tax Evasion
Fencing Of Stolen Goods	Theft of Intellectual Property
Forgery	Ticket Scalping
Industrial Espionage	Welfare Fraud
Interference with Public Contracts	
[Any similar or equivalent crime in any State]	

TABLE V Fraud*

Deceptive Sales	Mail and Wire Fraud
Fraudulent Advertisement	Odometer Fraud
Insurance Fraud	
[Any similar or equivalent crime in any State]	

TABLE VI Less Serious Crimes Against a Person*

Harassment	Intimidation
Harassment of Jurors or Witnesses	Obscene Phone Calls
Involuntary Manslaughter	Simple Assault
Restraining Order	
[Any similar or equivalent crime in any State]	

TABLE VII Miscellaneous Substance Abuse Crimes*

Driving Under the Influence	Possession of Drug Paraphernalia
Drunk in Public	Possession of Marijuana, less than one ounce
[Any similar or equivalent crime in any State]	

TABLES OF CRIMES

TABLE VIII Miscellaneous Crimes*

Aggravated Discharge of a Firearm	Interference with Judicial Proceeding
Concealing or Aiding a Fugitive	Obstructing Justice
Criminal Damage to Property	Legislative Misconduct
Criminal Trespass	Obscene Phone Calls
Discrimination in Sale of Real Estate	Perjury
Disorderly Conduct	Reckless Conduct
Driving without a License	Reckless Driving
Driving without Insurance	Repeated Traffic Offenses
Environmental Crimes	Tampering with Public Records
Gunrunning	Unlawful Possession of Weapons
Identity Switching	Unlawful Use of Body Armor
Illegal Gambling	Unlawful Use, Sale, or Discharge of a Metal Piercing Bullet
Impersonating a Law Enforcement Officer	Vandalism
Unlawful Sale of Firearms	
[Any similar or equivalent crime in any State]	

The crimes listed in Tables I through VIII are not intended to be all-inclusive, and in no way sets limits on the conduct deemed grounds for disqualification.

- * The names used to describe the crimes referenced in Tables I through VIII are merely descriptive in nature and are not meant to be the exact name or terminology of such crimes within the State of California.