ORDINANCE NUMBER 38-2007

WASHINGTON TOWNSHIP
GLOUCESTER COUNTY

ORDINANCE AMENDING ARTICLE VIII – DEPARTMENT OF PARKS AND RECREATION OF THE TOWNSHIP OF WASHINGTON CODE

WHEREAS, the Mayor and Township Council recognize the importance of protecting our community's children from sexual predators and those who have criminal backgrounds which would make them unfit for service in the Department of Parks and Recreation, including any volunteers for service as a Sports Advisory Board member, Commissioner for any organized sport, coach, assistant coach, or any other position wherein there is contact with children either on the field or at practices or organized youth sports functions; and

WHEREAS, as an added measure of protection, criminal background checks and review of the New Jersey Sex Offender Registry would serve to better secure the safety of the Township's youth that participate in Township sponsored activities;

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Washington, County of Gloucester, State of New Jersey that Article VIII, Department of Parks and Recreation, of the Code of the Township of Washington is hereby amended to provide a § 2-25A Criminal Background Checks for Department of Parks and Recreation employees and volunteers:

Section I

§ 2-25A **Criminal Background Checks for Department of Parks and Recreation Employees**

A. Due to the interaction of the Department of Parks and Recreation with persons under 18 years of age, pursuant to the authority granted to the Township under N.J.S.A. 40:48-1.4 and to the extent allowed under other applicable law, all employees of the Department of Parks and Recreation, whether proposed, current, full-time, part-time, permanent, temporary or seasonal (Recreation employees) and volunteers shall be subject to a criminal history record background check, which may be conducted in accordance with N.J.A.C. 13:59-1.1 et. seq. and with the procedures and guidelines adopted and set forth by the State Bureau of Identification, to determine if the Recreation employee or volunteer has a disqualifying record by the standard delineated within N.J.S.A. 15A:3A-1 et. seq. The Township may also obtain criminal history background checks by utilizing a private entity, said entity chosen in accordance with Local Public Contracts Law or any other applicable law, to determine if a person has convictions for crimes cited on the Recommended Guidelines established by the National Council

of Youth Sports, or other nationally recognized criteria for evaluating criminal histories in youth-related sports.

(1) The Township shall conduct a criminal history record background check only upon receipt of the written consent for criminal history record background check from the Department of Parks and Recreation employee or volunteer. Any Department of Parks and Recreation employee or volunteer who refuses to consent to the provisions of this section shall not be permitted to be employed by the Township as a Department of Parks and Recreation employee or utilized as a volunteer in the Department of Parks and Recreation programs. Department of Parks and Recreation employees and volunteers shall submit their names, dates of birth, addresses, written consent and any other necessary information, including fingerprints, if deemed necessary, for the criminal history record background check to the agency designated by the Township to conduct background checks. The Township Administrator shall be responsible for coordinating the background checks with Department of Parks and Recreation employees and volunteers. The term "volunteers" shall include but not be limited to the following persons:

(a) All members of the Sports Advisory Board;
(b) All Commissioners of all sports programs established through the Washington Township Department of Parks and Recreation;
(c) All coaches and assistant coaches;
(d) All "team moms" or "team dads" that have direct contact with youth sports participants for team games or matches or otherwise participate in "on field" activities or duties

(2) The Township shall bear all costs associated with conducting criminal history record background checks for Department of Parks and Recreation employees and volunteers.

(3) The Director of the Department of Parks and Recreation (the Director) shall conduct a preliminary screen of Department of Parks and Recreation employees by comparing the name of the Department of Parks and Recreation employee or volunteer against the most current New Jersey Sex Offender Registry pursuant to N.J.S.A. 2C:7-12 to -19. The Director shall confirm that such Department of Parks and Recreation employee or volunteer is not named on the registry as a sex offender in any capacity or tier. After the completion of the preliminary screen, the Director shall notify the Township Administrator of the result. Any person who is named on the New Jersey Sex Offender Registry shall not be permitted to be employed as a Department of Parks and Recreation employee or utilized as a volunteer in the Department of Parks and Recreation.

(4) Subsequent to the preliminary screen, the Township Administrator shall take whatever action is necessary to obtain a criminal history background check for the

Department of Parks and Recreation employee or volunteer, which may, at the discretion of the Township Administrator upon consultation with the Chief of Police, include a multijurisdictional background check from the Federal Bureau of Investigation if said person has been a resident of New Jersey for less than 10 years. Upon receipt of the background check by the Township Administrator, the Township Administrator shall consult with the Chief of Police and shall make a determination as to an individual's eligibility to be employed as a Department of Parks and Recreation employee or utilized as a Department of Parks and Recreation volunteer in accordance with this section, pursuant to the parameters outlined in N.J.S.A. 15A:3A-1 et seq. or the Recommended Guidelines established by the National Council of Youth Sports, or other nationally recognized criteria for evaluating criminal histories in youth-related sports. All information received by the Township shall be, and shall remain, confidential.

(5) A person shall be disqualified from serving as a Department of Parks and Recreation employee or volunteer if that person's criminal history record background check reveals a disqualifying record in accordance with the standards delineated with N.J.S.A. 15A:3A-1 et seq. or convictions for crimes cited on the Recommended Guidelines established by the National Council of Youth Sports, or other nationally recognized criteria for evaluating criminal histories in youth-related sports.

B. The Director shall promptly notify a Department of Parks and Recreation employee or volunteer who receives a disqualifying recommendation from the Township Administrator. Individuals who receive a disqualifying recommendation will not be permitted to be employed or utilized as a volunteer in the Department of Parks and Recreation. Such individuals will have 30 days from the receipt of the official notice from the Director to petition the Review Committee for a review and to submit in writing the facts and reasoning warranting the request for review. The Review Committee shall consist of the Township Administrator, the Chief of Police and the Director of the Department of Parks and Recreation.

C. Individuals who receive a disqualifying recommendation may be permitted to be employed as a Department of Recreation employee or utilized as a volunteer if they affirmatively demonstrate rehabilitation to the Review Committee. In determining whether a person has affirmatively demonstrated clear and convincing evidence of rehabilitation, the Review Committee may consider the following factors:

(1) The nature and responsibility of the position which the convicted person would hold or has held, as the case may be;

(2) The nature and seriousness of the offense;

(3) The circumstance under which the offense occurred.

(4) The date of the offense;

(5) The age of the person when the offense was committed;

(6) Whether the offense was an isolated or repeated incident;

(7) Any evidence of rehabilitation, including good conduct in prison or the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work release programs or the recommendation of those who have had the person under their supervision.

D. In all instances, the final determination of whether an individual will be permitted to work as a Department of Parks and Recreation employee or volunteer will lie in the sole discretion of the Review Committee. Such determination is final and not applicable to the Mayor or Township Council.

E. The Review Committee shall promptly advise the Department of Parks and Recreation employee or volunteer of the decision of the Review Committee.

F. The within procedure is subject to any applicable state statutes, regulations or other laws.

G. Access to criminal history record information for noncriminal justice purposes, including employment, is restricted to the Township Administrator, the Chief of Police and the Director of the Department of Parks and Recreation (the Review Committee), as authorized by federal or state statute, rule or regulation, executive order, administrative code, local ordinance or resolution regarding obtaining and disseminating of criminal history record information obtained under this Chapter.

H. The Review Committee shall limit its use of criminal history record information solely to the authorized person for which it was obtained, and criminal history record information furnished shall not be disseminated to persons or organizations not authorized to receive the records for authorized purposes. Use of this record shall be limited solely to the authorized purpose for which it was given, and it shall not be disseminated to any unauthorized persons. Any person violating federal or state regulations governing access to criminal history record information may be subject to criminal and/or civil penalties.

This Ordinance shall take effect thirty (30) days after final passage by Council or twenty (20) days after approval by the Mayor, whichever comes first.

Introduced: September 27, 2007

	TIMMONS	LAPIERRE	MARTIN	FRATTALI	SCARPATO
YES	✓		✓		✓
ABSTAIN					
NO					
ABSENT		✓		✓	

Public Hearing held October 25, 2007

	TIMMONS	LAPIERRE	MARTIN	PRATTALI	SCARPATO
YES					
ABSTAIN					
NO					
ABSENT					

TOWNSHIP OF WASHINGTON

BY: _____
FRANK P. SCARPATO, III
Council President

ATTEST:

_____
JENNICA BILECI, Township Clerk

On this 30th day of OCT. 2007 I hereby approve the above Ordinance.

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PAUL MORIARTY, MAYOR