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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

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

3
4 (1) The Township shall conduct a criminal history record
5 background check only upon receipt of the written
6 consent for criminal history record background check
7 from the Department of Parks and Recreation employee
8 or volunteer. Any Department of Parks and Recreation
9 employee or volunteer who refuses to consent to the
10 provisions of this section shall not be permitted to be
11 employed by the Township as a Department of Parks
12 and Recreation employee or utilized as a volunteer in
13 the Department of Parks and Recreation programs.
14 Department of Parks and Recreation employees and
15 volunteers shall submit their names, dates of birth,
16 addresses, written consent and any other necessary
17 information, including fingerprints, if deemed
18 necessary, for the criminal history record background
19 check to the agency designated by the Township to
20 conduct background checks. The Township
21 Administrator shall be responsible for coordinating the
22 background checks with Department of Parks and
23 Recreation employees and volunteers. The term
24 “volunteers” shall include but not be limited to the
25 following persons:

- 26
27 (a) All members of the Sports Advisory Board;
28 (b) All Commissioners of all sports programs
29 established through the Washington Township
30 Department of Parks and Recreation;
31 (c) All coaches and assistant coaches;
32 (d) All “team moms” or “team dads” that have
33 direct contact with youth sports participants for
34 team games or matches or otherwise participate
35 in “on field” activities or duties

36
37 (2) The Township shall bear all costs associated with
38 conducting criminal history record background checks
39 for Department of Parks and Recreation employees and
40 volunteers.

41
42 (3) The Director of the Department of Parks and Recreation
43 (the Director) shall conduct a preliminary screen of
44 Department of Parks and Recreation employees by
45 comparing the name of the Department of Parks and
46 Recreation employee or volunteer against the most
47 current New Jersey Sex Offender Registry pursuant to
48 N.J.S.A. 2C:7-12 to -19. The Director shall confirm
49 that such Department of Parks and Recreation
50 employee or volunteer is not named on the registry as a
51 sex offender in any capacity or tier. After the
52 completion of the preliminary screen, the Director shall
53 notify the Township Administrator of the result. Any
54 person who is named on the New Jersey Sex Offender
55 Registry shall not be permitted to be employed as a
56 Department of Parks and Recreation employee or
57 utilized as a volunteer in the Department of Parks and
58 Recreation.

59
60 (4) Subsequent to the preliminary screen, the Township
61 Administrator shall take whatever action is necessary to
62 obtain a criminal history background check for the

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

21
22 (5) A person shall be disqualified from serving as a
23 Department of Parks and Recreation employee or
24 volunteer if that person's criminal history record
25 background check reveals a disqualifying record in
26 accordance with the standards delineated with N.J.S.A.
27 15A:3A-1 et seq. or convictions for crimes cited on the
28 Recommended Guidelines established by the National
29 Council of Youth Sports, or other nationally recognized
30 criteria for evaluating criminal histories in youth-related
31 sports.

32
33 B. The Director shall promptly notify a Department of Parks and
34 Recreation employee or volunteer who receives a disqualifying
35 recommendation from the Township Administrator. Individuals who
36 receive a disqualifying recommendation will not be permitted to be
37 employed or utilized as a volunteer in the Department of Parks and
38 Recreation. Such individuals will have 30 days from the receipt of the
39 official notice from the Director to petition the Review Committee for
40 a review and to submit in writing the facts and reasoning warranting
41 the request for review. The Review Committee shall consist of the
42 Township Administrator, the Chief of Police and the Director of the
43 Department of Parks and Recreation.

44
45 C. Individuals who receive a disqualifying recommendation may be
46 permitted to be employed as a Department of Recreation employee or
47 utilized as a volunteer if they affirmatively demonstrate rehabilitation
48 to the Review Committee. In determining whether a person has
49 affirmatively demonstrated clear and convincing evidence of
50 rehabilitation, the Review Committee may consider the following
51 factors:

- 52
53 (1) The nature and responsibility of the position which the
54 convicted person would hold or has held, as the case
55 may be;
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57 (2) The nature and seriousness of the offense;
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59 (3) The circumstance under which the offense occurred.
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61 (4) The date of the offense;
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- (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	FRATTALI	SCARPATO
YES	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
ABSTAIN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ABSENT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

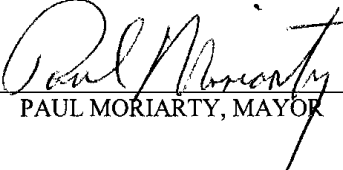
TOWNSHIP OF WASHINGTON

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.


PAUL MORIARTY, MAYOR

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