

**CITY OF MESQUITE, TEXAS
PARKS AND RECREATION DEPARTMENT**

**CRIMINAL BACKGROUND INVESTIGATION POLICY
For Persons Volunteering or Affiliated with At-Risk Participants**

PURPOSE

The Parks and Recreation Department of the City of Mesquite, Texas, (“City”) has a desire to protect the safety and welfare of its citizens, and most specifically its youth and senior citizens (“at-risk participants”), during their participation in City sponsored events and activities that occur on or in City grounds and facilities.

POLICY

The City requires that all adults, 18 years or older, that utilize the City grounds or facilities as a part of any City sponsored event or activity, shall be required to submit themselves to undergo a criminal background investigation prior to their participation in City sponsored events or activities. The Director of Parks and Recreation shall require any and all persons associated with City sponsored events or activities to undergo said criminal background investigation including, but not limited to, persons in the following positions: as a head coach, assistant coach, board member or any other position acting in an official capacity with any organization directly overseeing any City sponsored events or activities involving at-risk participants.

GROUND FOR DISQUALIFICATION

The City reserves its rights to disqualify any person from participation or terminate any person’s current participation in City sponsored events and activities for good cause as determined by the Director of Parks and Recreation.

Any individual convicted of the following criminal offenses provided herein shall be automatically disqualified (unless otherwise described herein) from participation as a volunteer in any City sponsored events or activities. See chart titled “*LIST OF DISQUALIFYING CRIMINAL OFFENSES.*” This list of offenses is not intended to be all-inclusive and in no way sets limits on the offenses that are deemed grounds for disqualifying an individual from affiliation with the City.

Decisions on all other crimes or offenses not otherwise described below and decisions based on good cause will be made at the sole discretion of the Director of Parks and Recreation.

If a volunteer is determined eligible for affiliation and is later arrested or convicted of any of the listed crimes, he/she is required to notify the City immediately and he/she will be removed immediately from his/her volunteer or affiliated position until the case has been finally adjudicated. Failure to notify the City of any arrests or convictions from the list above will result in the volunteer/affiliate being immediately removed from all City volunteer/affiliate duties for a minimum of twelve (12) months beginning on the date the failure to notify was discovered or the case has been finally adjudicated, whichever is the later.

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LIST OF DISQUALIFYING CRIMINAL OFFENSES	
Aggravated kidnapping	Indecent exposure *
Aggravated sexual assault	Intoxication manslaughter
Aggravated robbery	Injury to elderly or disabled
Arson	Kidnapping
Assault *	Manslaughter (Involuntary or Voluntary)
Bigamy	Murder
Crimes against children Including: abandonment, abuse, endangerment, indecency, sexual assault, pornography, possession or promotion of pornography, enticement, solicitation, sale or purchase of, injury to, indecency.	Obscenity
	Prohibited sexual conduct
	Prostitution Including: promotion of, aggravated promotion of.
Criminally negligent homicide	Public lewdness
Criminal nonsupport	Rape
Deadly conduct	Sexual abuse
Drugs and Controlled Substances <ul style="list-style-type: none"> • Manufacture of or delivery of a controlled substance or dangerous drug • Marijuana possession * • Possession or distribution of any controlled substance 	Theft *
	Active Warrant
DWI or DUI *	
<p>* In misdemeanor convictions for these offenses, the disqualification will occur with a second conviction. Eligibility depends on the severity and length of time passed since the offense occurred.</p>	

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APPEAL PROCESS

Appeals of Manager Decisions

Any person aggrieved by an administrative decision of the Parks and Recreation Manager regarding a person's disqualification may appeal within ten (10) calendar days of the date of Manager's decision to the Director of Parks and Recreation by submitting a written appeal to the Director. The date of a Manager's decision is considered day zero (0).

Upon receipt of a written appeal, the Director shall review the written document and may also meet with or speak with the aggrieved party if the Director elects to do so. The Director shall render a decision on the appeal within fifteen (15) calendar days of receipt of the written appeal.

Appeals Director Decisions

Any person aggrieved by an administrative decision of the Parks and Recreation Director regarding a person's disqualification may appeal within ten (10) calendar days of the date of Director's decision to the City Manager by submitting a written appeal to the City Manager. The date of the Director's decision is considered day zero (0).

Upon receipt of a written appeal, the City Manager shall review the written document and may also meet with or speak with the aggrieved party if the City Manager elects to do so. The City Manager shall render a decision on the appeal within fifteen (15) calendar days of receipt of the written appeal.