



Combating Sexual Abuse of Participants in Youth Sports Organizations

**A Presentation to USA Track & Field by the Legislative
Drafting Institute for Child Protection**

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Part I: Best Practices Proposal

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Introduction: Combating Sexual Abuse of Participants in Youth Sports Organizations

USA Track & Field (USATF) requested that the Legislative Drafting Institute for Child Protection (LDICP) conduct research on the problem of sexual predation in youth sports. USATF Chief Executive Officer Max Siegel and Chief Operating Officer Renee Washington had taken notice of recent cases of sexual abuse perpetrated by coaches and other adults involved in youth sports. To increase the safety of participants in USATF programs and events, CEO Siegel and COO Washington invited the LDICP to analyze its present procedures and suggest improvements. In addition, they asked the LDICP to analyze present laws and draft bills that USATF could promote to increase protection for all children engaging in youth sports nationwide,

In delivering the resulting reports and materials, the LDICP had three goals: 1) to analyze the legal issues concerning the sexual abuse of children in youth sports; 2) to identify best practices to combat sexual victimization of participants in USATF programs; and 3) to develop legislative proposals at the state and federal level that USATF can promote to better protect children nationwide from victimization by sexual predators in youth sports.

In this report, the LDICP offers a proposal for best practices. The report begins with information on sexual predators who target children. It then discusses why youth sports organizations present a particularly attractive way for child predators to gain access to children. The report then turns to the child protection goals evinced by USATF, which the LDICP used to guide its analysis. Finally, the report provides a plan for best practices which, once implemented, will enhance screening, detection, response, and positive outcomes for child protection in USATF programs and events.

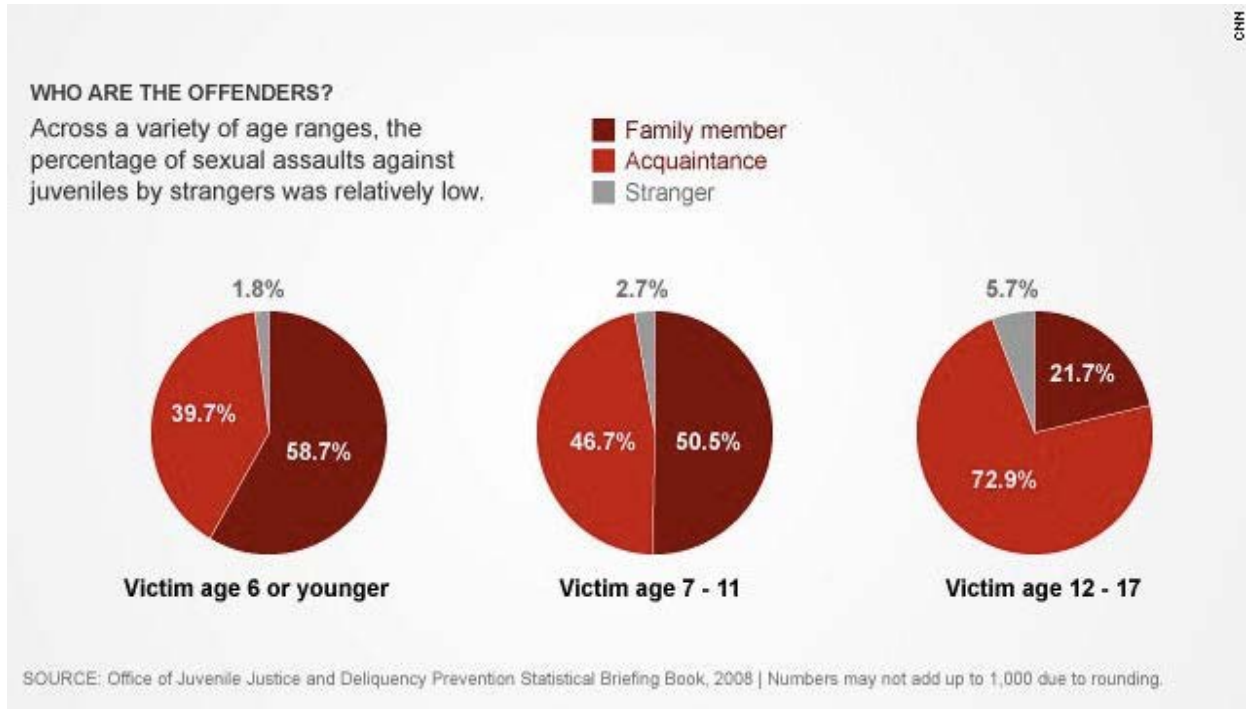
Background: Why Youth Sports Organizations present a target for child predators

Existing in every state and locality, youth sports organizations (YSOs) support area youth and promote healthy activity, athletic skills, social development, and community networking.

Unfortunately, YSOs also offer an attractive target for those who prey on children. The overwhelming majority of child sexual abuse is not committed by strangers. Most child sexual abuse takes place within the child's **Circle of Trust**, which is the group of adults who hold positions of trust and authority in the child's life.¹ The Circle of Trust starts with parents and relatives, and radiates outward to teachers, coaches, pastors, childcare providers, and so on.²

¹ The term "Circle of Trust" was coined by Andrew Vachss, an attorney who only represents children and who has written extensively on issues of child protection. *See, e.g.: An Interview with Andrew Vachss*, Krewson, J., The Onion AV Club (November 1996).

² *See* LDICP Legislative Survey of the United States and Its Territories: Circle of Trust Laws ("LDICP State Circle of Trust Laws").



For predators seeking to enter the child’s Circle of Trust, youth sports organizations offer an attractive situation. YSOs’ nurturing mission creates a positive, welcoming atmosphere that brings children to participate in large numbers. However, the haven that YSOs offer children is perceived by their predators as an excellent place to hunt.³

The organizational structure of YSO programs can be exploited by child predators to hide their actions. Activities in youth sports generally use a hierarchical system, with adults in positions of unquestionable authority. Age-segregated groups of participants are trained to follow directions precisely and immediately. In addition, participant travel to YSO events, even far from the child’s home, is common practice. Parents generally trust coaches and other adults working in YSOs, and may allow their children to travel unaccompanied to events without much scrutiny.⁴

Therefore, a predator who manages to become associated with a YSO, whether as an employee or a volunteer, can access an endless supply of prey and take advantage of continual opportunities to sexually victimize children.

³ *Protecting Young Athletes From Sexual Predators*, Drehs, W. ESPN: The Magazine (2011).

⁴ Interview with Aretha Thurmond, Director of International and Championship Teams, USA Track and Field, April 25, 2016.



Predators will seek the most vulnerable in a group of children

According to Andrew Vachss, child predators have no difficulty in identifying which children to victimize.

I've actually stood with predatory pedophiles⁵ outside one-way glass in a daycare center while they picked out which kids were most vulnerable as targets. No conversation with the kid; they just picked the vulnerable ones out by watching their interaction with other kids.

What creates that vulnerability? Predatory pedophiles spot the unbonded child. The child most at risk for victimization is the child not bonded deeply to anything or anybody.⁶

Child predators employ several tactics to enter the Circle of Trust

Predators enter a child's Circle of Trust access their victims by carefully gaining the confidence of the child's parents. The child's family is led to believe that the special attention the child receives is beneficial and empowering.

Once inside a child's Circle of Trust, predators commonly use several tactics to approach the victim. These include *camouflage*, initially executing in an exemplary manner the role the predator has taken inside the Circle of Trust, so as to gain the confidence of the victim; *grooming*, enticing the victim through special treatment over time, in order to lower the victim's defenses; and *institutional manipulation*, mastering organizational rules in order to exploit lapses, create opportunities to prey on the victim, and, later, to keep the victim helpless.

Public awareness of child predators within the Circle of Trust has grown

News reports of criminal arrests, trials, and civil suits resulting from cases of child sexual abuse have increased the public awareness of the issue over the past few decades. In particular, society has better access to the data that make clear that successful child predators access children through the Circle of Trust, rather than approaching them as strangers.

⁵The term "predatory pedophile," formulated by Andrew Vachss, denotes an adult whose aim is to sexually abuse children and who acts in order to do so.

⁶ Quoted in *An Interview with Andrew Vachss*, Spence, D., IGN.com (November 3, 2000).



Media reports of recent cases of child predators in sports organizations include: Second Mile founder and Penn State football coach Jerry Sandusky, convicted in 2012;⁷ Park Tudor high school basketball coach Kyle Cox, convicted in 2016;⁸ and USA Gymnastics club coaches James Bell, William McCabe, Mark Schiefelbein, and Marvin Sharp.⁹ Similar cases overseas include the scandal involving the United Kingdom's National Youth Soccer coach Barry Benell, reported in November 2016.¹⁰

Proposal: Instituting Best Practices to Enhance Child Protection in Youth Sports

The LDICP analyzed recent civil suits brought against USA Gymnastics (USAG) by victims of child sexual abuse whose claims stem from sexual assaults by USAG club coaches James Bell, William McCabe, Mark Schiefelbein, and Marvin Sharp.

The lawsuits implicate USAG's organizational response to reports of abuse of USAG participants. Although not yet concluded, the victims' claims, as reported in the press, underline the problems resulting from unclear or poorly-implemented procedures. With this lesson in mind, the LDICP developed the following goals for best practices.

1. First and foremost, affirming USATF's paramount goal of protecting participants from victimization by child predators
2. Creating procedures to minimize the ability of child predators to participate in USATF programs and events
3. Responding swiftly and effectively to reports of sexual abuse of USATF participants
4. Empowering USATF stakeholders to report sexual abuse
5. Promoting education and developing open communication on child abuse issues among all stakeholders, including employees, volunteers, participants and their parents, and affiliated youth sports organizations.

⁷ *Report of the Special Investigative Counsel Regarding the Actions of The Pennsylvania State University Related to the Child Sexual Abuse Committed by Gerald A. Sandusky*, Freeh Sporkin & Sullivan, LLP (July 12, 2012).

⁸ *Ex-Park Tudor Coach Kyle Cox Sentenced to 14 Years*, Disis, J., Detroit Free Press (July 29, 2016).

⁹ *A Blind Eye to Sex Abuse: How USA Gymnastics Failed to Report Cases*, Kwiatkowski, M. et al, Indianapolis Star (August 4, 2016).

¹⁰ *Barry Bennell, Former Youth Coach, Faces Eight Counts of Sexual Abuse in England*, Smith, R. New York Times (November 30, 2016).



Best Practices: Restricting access to participants during USATF programs

USATF youth programs exist in all states and at all proficiency levels, and the organization holds many more events than can ever be directly run and staffed by USATF employees. Many local and regional events sanctioned by USATF are run by its volunteers and member club adults. This makes USATF’s existing rules regarding adult access to children extremely challenging to enforce. For example, at present it is difficult for USATF to ascertain the identities of all club adults working at a given local or regional event.¹¹

To better enable USATF oversight of its sanctioned events, the following proposals suggest best practices that include increased background checks, new event registration procedures, better methods for checking identification at events, clear disciplinary regimes for noncompliance, improved technological tools, enhanced communication with member clubs, strengthened education on issues of child protection, and clear information for all stakeholders on reporting sexual abuse.

Best Practices: Extending the background check requirement

At present, when a club applies to the USATF for membership, only the lead coach is required to undergo a background check.¹² To curtail predators’ opportunities to infiltrate its programs and events, USATF should extend its background check requirement to cover all adults in a club, whether employees or volunteers, who come into contact with the club’s children either during training or during USATF programs.¹³

This requirement would apply to all such “club adults,” including, but not limited to, coaches, trainers, assistants, and adults who attend the children to USATF programs on behalf of the club. It would not apply to adults who take no paid or volunteer role with the club and are present merely to accompany a specific participant; for example, parents who transport their own children to club training sessions or USATF events.

¹¹ Interview with Robin Brown-Beamon, Director of Outreach & Grassroots Programs, USA Track and Field, April 25, 2016.

¹² Interview with Renee Washington, Chief Operating Officer, USA Track and Field, April 25, 2016.

¹³ This single change in USATF requirements would put it at the forefront of ensuring child safety in non-profit organizations. *See, e.g.*: LDICP Legislative Survey of the United States and Its Territories: Background Check Laws (“LDICP State Background Check Laws”).



Best Practices: Issuing identification to club adults

USATF should issue sturdy identification (such as a lanyard license-style ID) to club adults who successfully pass the background check. The identification should include the adult's name, club, and current photograph.

Clubs should be required to notify USATF immediately of club adults whose affiliation with the club ends, so that USATF can invalidate the adult's identification in its database. The license ID should be collected and destroyed.

An adult who switches between member clubs should be treated as a new hire/ volunteer for the purpose of these requirements: the adult should be required to undergo a new background check and may not register for USATF events until successfully passing. After passing the background check, USATF should issue a new license ID.

Aside from the requirement to notify USATF immediately of disaffiliated adults, clubs also should be required to update a list of their ID-holding employees and volunteers on annual basis.

Clubs should be able to perform such updates online at the USATF website. To ensure compliance, USATF can limit a member club's access to its website such that the club must perform the list update in order to regain full access.

Best Practices: Registration of club adults attending USATF programs

USATF should require all club adults who plan to attend an event to register for it online. Further, event registration should be restricted only to club adults who already have successfully passed their USATF background checks. The online process should be constructed such that a person who has not passed the background check will be automatically identified as ineligible and the registration attempt automatically denied.

Best Practices: Identifying registered adults during USATF programs

Club adults who properly register for a USATF event should be issued a registration ticket, consisting of a sticker or card specific to the event that includes the registrant's name and club, to be attached to the lanyard along with the abovementioned license.

USATF should require the registered club adults to prominently display their lanyard license and event registration at all times during the event. For stakeholders, this will simplify the identification of any club adult at a USATF event.



Best Practices: Supporting stakeholder vigilance at USATF events

Requiring prior registration enables USATF to generate an official list of club adults who will be at an event. USATF should post the registration list online to allow stakeholders attending the event to immediately verify the identity and registration of all club adults.

Further, USATF should develop a mobile-phone application to enhance stakeholders' ability to report unregistered adults at an event. Such an app should include a feature allowing the user to make a report of abusive activity during the event by a club adult. The same app should include a feature allowing uploads of photographs or videos recorded at the event, to help document either possible violations of USATF registration requirements, or abusive activity.

Best Practices: Penalizing noncompliance with ID display requirements

USATF should ensure that all sanctioned events include staffers or volunteers whose role is to ensure that adults in the field/ locker areas are displaying proper ID and are registered for the event.

USATF should authorize and require those officiating at the event to eject adults in the field/ locker areas who are not displaying their lanyard ID and their event registration. If the adult is not affiliated with a club, the official should be authorized to report the adult to police.

If the adult is affiliated with a club, the official should inquire further to determine which of the following two sanctions is appropriate, and report the information to USATF:

- A. If a club adult in the field/ locker area fails to display ID or event registration, but has registered for the event, USATF should discipline the offending club by suspending the club from participating in USATF events for a substantial period, such as 3-6 months. The suspension period should begin immediately, not after the season ends or at the beginning of a new season.
- B. If a club adult in the field/ locker area has failed to register for the event, USATF should discipline the offending club by cancelling its membership. A club wishing to regain its membership should have to reapply and again submit its personnel to the background check requirement.

To ensure full compliance with the requirement to display ID and registration at events, USATF can institute a warning-only period, no longer than 6 months, before full enforcement of the above sanctions. During the warning-only period, USATF should engage in education and direct messaging to member clubs to ensure that the new requirements are fully communicated to all club adults. Thereafter, the new ID and event registration penalties should be enforced strictly, so as to avoid giving clubs an incentive to delay background checks for their personnel.



Best Practices: Responding swiftly and effectively to reports of sexual abuse

Upon receiving information of sexual abuse of a participant, USATF must report to police and/or state child protective services (CPS) immediately.

Prior to reporting to police/CPS, USATF should not conduct any internal inquiries about the information received. Such inquiries will delay USATF's report, and may hinder the police/CPS investigation.

After reporting to police/CPS, USATF should suspend or terminate the membership of a club that continues to allow the accused abuser to work or volunteer at the club while the case is under investigation.

Best Practices: Empowering all USATF stakeholders to report abuse

USATF should train its employees, volunteers, and member clubs on the individual legal duty to report sexual abuse to police/CPS directly.

Mandatory reporter laws require certain groups of adults who work with children to report any suspected child abuse to the police or CPS. Merely passing information up USATF's organizational chain does not fulfill the legal duty to report child abuse, a duty that states impose on individuals through mandatory reporter laws.¹⁴

Best Practices: Educating participants to recognize abuse

USATF has instituted the SafeSport program for its employees, staffers and member club coaches. In addition, USATF should ensure that its participants have the tools to report any dangers to themselves or to peers. USATF should establish and require regular, age-appropriate education for participants on issues of child abuse both generally and within YSOs.

Such education should include information on spotting predatory behavior, including camouflage, grooming, and institutional manipulation. Participants of every age should understand that USATF considers their safety of paramount importance, and that reporting abuse will not damage their relationship with USATF or hinder the achievement of their athletic goals.

¹⁴ See LDICP Legislative Survey of the United States and Its Territories: Mandatory Reporter Laws ("LDICP State Mandatory Reporter Laws").



Best Practices: Sharing information among USATF stakeholders

In addition to expanding the background check requirement, applicants should be required to consent to USATF sharing with its stakeholders any information relevant to child abuse or victimization uncovered by the background check. Contractual language in background check consent forms can be drafted explicitly to permit USATF to share such information with its stakeholders.

Implementing this proposal will significantly enhance screening, detection, and response to attempts by child predators to infiltrate its member clubs. This will, in turn, increase deterrence, as USATF programs and events become unavailable as targets. By setting this new standard of protection, USATF will cement its leadership among the nation's youth sports organization in the area of child protection.