

# **Ventura County Grand Jury 2018 - 2019**



## **Final Report**

### **Youth Sports and Public Liability**

**April 17, 2019**

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## **Youth Sports and Public Liability**

### **Summary**

Hundreds of minors in Ventura County (County) participate in activities organized by non-affiliated sports leagues. Non-affiliated sports leagues are those that are not regulated by a national governing body such as the American Youth Soccer Organization or Little League. The Grand Jury was concerned that these non-affiliated sports leagues may not be complying with certain laws pertaining to the protection of youth from physical or sexual abuse, or from concussion-related injuries when they practice or play sports on public property.

Parks and Recreation districts (Districts) as well as cities in the County need to ensure that youth participating in sports activities on city and district property are protected against child physical or sexual abuse and concussion-related injuries. Cities and Districts should also ensure that the public monetary resources they manage are adequately protected against litigation awards arising from allegations of child physical or sexual abuse and concussion-related injuries occurring during youth sports activities.

The Grand Jury concluded that most cities and Districts in the County allow non-affiliated sports leagues to use their facilities to practice or play. However, they do not require proof of compliance with California law regarding protection against concussion-related injuries from these leagues. They also do not require proof that procedures for preventing and reporting child physical or sexual abuse are in place. Finally, the Grand Jury concluded that cities and Districts themselves are underinsured with respect to the conduct of youth sports on their properties.

The Grand Jury recommends that cities and Districts require proof of child protections against physical or sexual abuse and concussion-related injuries from sports leagues that are not affiliated with a national governing body, as a condition of allowing them to practice or play sports on city and district properties.

The Grand Jury also recommends that cities and Districts review their own insurance coverage and parental-waiver requirements to ensure that they are adequately protected with respect to claims arising from the conduct of youth sports on city and district properties.

### **Background**

The federal Sexual Abuse and Safe Sports Authorization Act (SASSAA) requires that all adults who are authorized to interact with minors in national youth sports report suspected child sexual abuse to authorities. The SASSAA also mandates that national governing bodies develop training programs and enforce policies and procedures regarding child sexual abuse prevention. The SASSAA specifically applies to sports leagues with national governing bodies, but it does not apply to non-affiliated sports leagues. (Ref-01)

However, the California Youth Sports Concussion Protocols (AB 2007) requires that youth sports organizations comply with specified safety requirements regarding

concussions or other head injuries. A youth sports organization is defined as “an organization, business, nonprofit entity or local government agency that sponsors or conducts amateur sports competitions, training, campus, or clubs in which persons 17 years of age or younger participate.” This law applies to cities and Districts, as well as to non-affiliated sports leagues. (Ref-02)

The Grand Jury recommends that all cities and Districts require proof from non-affiliated sports leagues that they are in compliance with California law regarding concussion-related sports injuries and that they have child physical or sexual abuse prevention and reporting procedures in place as a condition of the use of public facilities for practice or play.

## **Methodology**

The Grand Jury conducted internet research regarding federal and state legislation regulating youth sports organizations with respect to child physical or sexual abuse and concussion-related injuries. The Grand Jury also conducted interviews with the three Districts and the seven cities in the County regarding the requirements they place on non-affiliated sports leagues who use their facilities. The Grand Jury also requested documents that contain policies and procedures to ensure that non-affiliated sports leagues provide protection against child physical or sexual abuse and comply with concussion-related injury prevention laws. Finally, the Grand Jury requested information regarding the cities’ and Districts’ own liability insurance coverage with respect to youth sports activities conducted on their property.

## **Facts**

- FA-01.** The Grand Jury found that all cities and Districts in the County, except the cities of Port Hueneme and Santa Paula, allow non-affiliated sports leagues to use city or district property for practice or play.
- FA-02.** The Grand Jury found that none of the cities or Districts in the County require proof of compliance with AB 2007 from non-affiliated sports leagues when permitting them to use city or district property for practice or play.
- FA-03.** The Grand Jury found that none of the cities or Districts in the County require proof from non-affiliated sports leagues that child physical or sexual abuse prevention training, reporting and enforcement policies are in place when permitting them to use city or district property for practice or play.
- FA-04.** The Grand Jury found that none of the cities or Districts require proof that parents have given permission for their child to play sports that could cause physical injury (parental waivers) are obtained by the non-affiliated sports leagues when permitting them to use city or district property for practice or play.
- FA-05.** The Grand Jury found that none of the cities or Districts require proof of liability insurance coverage specifically for child physical or sexual abuse or concussion-related injury claims from non-affiliated sports leagues when permitting them to use city or district property for practice or play.

**FA-06.** The Grand Jury found that city and district insurance programs varied greatly with respect to the types of insurance and coverage amounts. Most insurance programs were not specific to litigation arising from the conduct of youth sports on city or district property.

## **Conclusions**

**C-01.** The Grand Jury concluded that most cities and Districts in the County allow non-affiliated sports leagues to use their facilities to practice or play. However, they do not require proof of compliance with California law regarding protection against concussion-related injuries from these leagues. They also do not require proof that procedures for preventing and reporting child physical or sexual abuse are in place. (FA-01, FA-02, FA-03)

**C-02.** The Grand Jury concluded that cities and Districts do not require proof of adequate parental waivers and insurance coverage from non-affiliated sports leagues to protect against legal action that could jeopardize public monetary resources. (FA-04, FA-05)

**C-03.** The Grand Jury concluded that cities and Districts are underinsured with respect to the type of coverage and coverage amounts to sufficiently protect them from litigation arising from the conduct of youth sports on city or district property. (FA-06)

## **Recommendations**

**R-01.** The Grand Jury recommends that all cities and Districts require proof from non-affiliated sports leagues that they are in compliance with California law regarding concussion-related sports injuries and that they have child physical or sexual abuse prevention and reporting procedures in place as a condition of the use of public facilities for practice or play. (C-01)

**R-02.** The Grand Jury recommends that all cities and Districts require proof of adequate parental waivers from participants and sufficient insurance coverage from non-affiliated sports leagues as a condition of the use of public facilities for practice or play. (C-02)

**R-03.** The Grand Jury recommends that all cities and Districts review their own insurance coverage to ensure that they are adequately protected with respect to potential claims arising from the conduct of youth sports on city or district property. (C-03)

## **Responses**

### Responses Required From:

City Council, City of Oxnard (C0-1, C-02, C-03) (R-01, R-02, R-03)

City Council, City of Ventura (C-01, C-02, C-03) (R-01, R-02, R-03)

City Council, City of Moorpark (C-01, C-02, C-03) (R-01, R-02, R-03)

City Council, City of Fillmore (C-01, C-02, C-03) (R-01, R-02, R-03)

City Council, City of Ojai (C-01, C-02, C-03) (R-01, R-02, R-03)

City Council, City of Port Hueneme (C-01, C-02, C-03) (R-01, R-02, R-03)

City Council, City of Santa Paula (C-01, C-02, C-03) (R-01, R-02, R-03)

Board of Directors, Conejo Valley Recreation and Parks District (C-01, C-02, C-03)  
(R-01, R-02, R-03)

Board of Directors, Pleasant Valley Recreation and Parks District (C-01, C-02,  
C-03) (R-01, R-02, R-03)

Board of Directors, Rancho Simi Recreation and Parks District (C-01, C-02, C-03)  
(R-01, R-02, R-03)

## **References**

**Ref-01.** Protecting Young Victims From Sexual Abuse and Safe Sport  
Authorization Act of 2017

<https://www.usyouthsoccer.org/protecting-young-victims-from-sexual-abuse-and-safe-sport-authorization-act-of-2017>

Accessed April 11, 2019

**Ref-02.** [AB 2007](#)

<https://www.lcwlegal.com/news/ab-2007-requires-youth-sports-organization-to-abide-by-specified-safety-requirements-regarding-concussions-and-other-head-injuries>

Accessed April 11, 2019

**Glossary**

**TERM**

**DEFINITION**

AB 2007

California Youth Sports Concussion Protocols, which requires youth sports organizations that offer athletic programs to comply with specified safety requirements regarding concussions or other head injuries

County

County of Ventura

Districts

Independent Parks and Recreation Districts

Grand Jury

2018-2019 Ventura County Grand Jury

Non-affiliated sports leagues

Youth sports leagues that are not organized or regulated by a national governing body such as American Youth Soccer Organization or Little League

Parental waiver

A document signed by a parent of a child giving permission for that child to participate in a sport that may cause physical injuries and waiving liability claims against a third party

SASSAA

Sexual Abuse and Safe Sports Authorization Act, federal law that requires that all adults who are authorized to interact with minors in national youth sports organizations report suspected child sexual abuse to authorities. This act also requires national governing bodies of organized sports leagues to develop and enforce policies and procedures to report and respond to child abuse or molestation claims.