

Scott T. Seabolt
Legislative Statement
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5-16-18
OPPOSE
SB 871, SB 872
SB 875, SB 876
SB 877

Good afternoon. Thank you for the opportunity to speak with you today.

My name is Scott Seabolt.

I am a member of the Board of Directors of the Detroit Police Athletic League and have served in several leadership roles over the last ten years.

I am also a lawyer. I have been practicing law in the State of Michigan for 22 years.

I am a husband. I have been happily married for nearly 20 years.

I am a father. I have three children: a daughter who is a senior in high school, a son who is a sophomore in high school, and a daughter who is in the third grade.

All of my children are active in youth athletics. I am a coach for my third-grade daughter's soccer team.

I am a lector and an active member of my church.

In all of these capacities, I support efforts to protect the victims of sexual misconduct and child abuse in all of their pernicious forms. I believe we owe a debt of gratitude to the brave women who have had the courage to come forward in recent years and who have forced us as a society to reevaluate who we are and who we aspire to be. I support efforts to punish the perpetrators of these horrible crimes, particularly those who abuse our children. And I support measures to prevent and deter future misconduct.

I also respect the deliberative process being undertaken by this committee to ensure that the legislative measures fairly achieve the goals of protecting the victims, punishing the perpetrators, and deterring future misconduct. My comments here today are intended to assist this committee in its deliberations.

The Detroit Police Athletic League, or Detroit PAL, is a 501(c)(3) nonprofit corporation. In partnership with the Detroit Police Department and community volunteers, Detroit PAL's mission is to build character in young people through athletic programs. Despite its relatively small size, in 2017, Detroit PAL provided athletic programs for more than 14,000 kids in Detroit. We were able to achieve this by leveraging the hard work and dedication of more than 2,000 volunteer coaches and mentors who chose to serve in our programs.

Detroit PAL takes its responsibility to the community and the kids and families it serves very seriously.

All of our coaches and mentors are required to submit to and pass a criminal background check.

Each of our coaches and mentors is required to attend what we call IMPACT Training. "IMPACT" is an acronym, the letters of which stand for:

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Must be a positive coach.

Prepare clear expectations and goals.

Allow youth to learn lessons, have fun, and develop.

Commit to strong values and coachable moments.

Transfer lessons in sport to lessons in life.

We have developed three levels of IMPACT Training:

Level 1: Be a positive coach

Level 2: Be a role model

Level 3: Be a mentor

The goal of our IMPACT Training is to provide our coaches and mentors with the tools to develop young adults of character and self-purpose. IMPACT Training includes educational modules on best practices, policies and expectations for coaches and mentors to follow regarding protecting our youth from abuse and sexual misconduct.

As an organization, Detroit PAL is continuously evaluating and improving its IMPACT Training, as well as its policies and procedures more generally. Earlier this year, Detroit PAL announced and published its Youth Safety Pact to all of its volunteer coaches and mentors. In the Youth Safety Pact, Detroit PAL reinforces its zero-tolerance policy and sets forth the simple but important guideline of "See something. Say something."

In short, Detroit PAL strives to lead by example and intends to exceed whatever standard the legislature adopts.

With that said, if not carefully considered and crafted, the standard adopted by the legislature could have unintended and significant consequences for Detroit PAL and other Michigan nonprofits that serve vital functions in our community. I want to talk about two such consequences presented by the language currently under consideration:

The first is the chilling effect the proposed language could have on volunteerism. As I explained earlier, Detroit PAL relies heavily on dedicated volunteers to fulfill its mission. Senate Bill No. 873 creates a mandatory reporting obligation for volunteers who conduct or assist in conducting interscholastic athletic activities or youth recreational athletic activities. Senate Bill No. 874 creates civil liability and, in some circumstances, criminal liability for volunteers who fail to report.

It is notable that the law as currently written limits the mandatory reporting obligation to paid professionals who possess particular types of education and experience, such as nurses, physicians, and social workers. The new law would hold a volunteer coach who is teaching kids how to run the bases to the same legal standard as a social worker who wrote her Master's thesis on counseling abused children.

It seems almost counterintuitive to create a law that specifically targets volunteers and places them at an increased risk of liability by virtue of their volunteerism. Moreover, by specifically targeting volunteers involved in scholastic and recreational athletics, the proposed language creates a disincentive for volunteers to support organizations like Detroit PAL and marginalizes the vital programs we provide. The less volunteers we have, the less kids we can serve. The less kids we can serve, the more kids with nothing to do after school, which places those kids in a more vulnerable position. This is, I am sure, an unintended consequence.

The second relates to the statute of limitations. Senate Bill No. 872 extends the limitations period to the age of 48 for individuals who were minors at the time of the misconduct and creates retroactive liability dating back to January 1, 1997. This retroactive liability would apply to both for profit and not for profit entities.

I fully agree with the proposed extension and, in some instances, elimination of the limitations period in the penal code for criminal sexual misconduct. I offer no quarter to the perpetrators of these horrible crimes. That said, exposing nonprofit organizations to civil liability for a period of 30-48 years and creating retroactive liability for nonprofits dating back to 1997 strikes me as a legislative overcorrection. Due to the purging of records and the turnover of personnel that occurs in the ordinary course of business, it would be nearly impossible for any organization to defend itself against such old claims, especially a nonprofit. One purpose of the limitations period is to provide some measure of protection against old claims for which an organization is no longer able to fairly defend itself due to the passage of time. The proposed language runs counter to this purpose and exposes nonprofits to an unforeseeable, uninsurable and unmanageable risk.

In closing, in our quest to right past wrongs, let us be mindful not to unintentionally jeopardize the future of the youth served by Detroit PAL and all the other great organizations helping kids.

Thank you for your time and consideration.