

# MVLA Soccer Club

## Field Manual

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### **Section 4: Field Poaching and Other Non-Permitted Use**

From time to time, MVLASC teams arrive at their field for a game or practice and find someone else claiming rights to use the field. MVLASC makes sure it has permits for all fields to which we assign teams. Therefore, if another user is claiming rights, it is either because a field owner has erroneously double-booked the field or the user is poaching. In the former case, patience and process are the answer: share for the day and report your issue to the MVLASC Field Coordinator for resolution. However, dealing with poaching can be more stressful. In these cases, please read the rest of this section for how to deal with poaching.

To clarify, if a bunch of adults or kids (or any non-permitted users) show up to a public place and hang around, it's not illegal, as long as they are respecting the field and not damaging facilities or equipment, and as long as the owner's policies permit such community use. However, when unauthorized activities are *organized* and/or a user refuses to relinquish the field when we have the permit to it, then a user becomes a poacher.

There is much debate as to what constitutes *organized* activity. MVLA has generated a Policy Interpretation Memorandum to define such activities. Certain Field Owners also make specific demands in terms of what kinds of activities they prohibit. It is important to keep in mind the spirit of the expectations field owners have of MVLA as a large YSO. They want us to use their fields under permit. They want us to not use the field when we do not have permits.

The best rule of thumb to follow is to get a reservation from the Field Coordinator for your soccer group's use of local fields, regardless of the group's size and regardless of the specific soccer activity you conduct. Think about it, if you don't get a reservation, you may or may not be poaching. If you do get a reservation, you will NEVER be poaching. MVLA recommends you take the safer route and assure your players the certainty of being where they are supposed to be by getting a field reservation for your activity. Please read the paragraphs below on what constitutes Poaching and Organized Use by MVLA.

Typical experience with poachers has been that they will back down when you authoritatively assert your permit and know you're supposed to be there because MVLA has a permit. MVLA does not outfit its coaches and managers with copies of their field permits as this would prove difficult to manage. It would require a pile of paperwork to provide every team with a copy of the various permits they might need throughout the season. Sometimes MVLA will provide a team with a copy of the permit if their field is notorious for poaching activity.

Poaching situations happen rarely but they do happen and sometimes non-permitted users can be quite brazen. For example, a men's soccer league showed a false permit to the one of our teams causing MVLA to abandon their scheduled session at Blach. I requested the school district investigate the issue and our permit was confirmed as the sole valid user of the field.

If you ever show up to a field scheduled for you by MVLA and there is another user on site, then impress on the user that you have a permit. If they refuse to leave, ask them to show you their permit. Single-session users are required to always carry their permit. Inspect the permit and make sure it specifies the proper dates and times. Take note of the permit requestor/applicant, including phone number, as well as the organization. Obviously, permits are easy to forge and/or they may be obsolete documents.

MVLA teams are advised to keep the Field Coordinator's cell phone handy and call if you are ever contested on a field that has been allocated to you. At the end of the day, if the occupying group refuses to concede the field or even share the field, do not argue and do not get combative. Worst case, you should clearly state your objection, notify the user you will file a report, leave the field, file a report, and the MVLA Field Coordinator will follow up.

The MVLA Field Coordinator will publish the club practice slate to the MVLA Yahoo Group on a periodic basis. Each field notice will contain phone numbers you can use to contact field owners, rangers, or non-emergency police responders to help you with poachers. Contact the Field Coordinator for the latest access numbers.

Now let's turn the coin and look at poaching from the other side. If you use a field on a non-permitted basis, meaning you have not been given a confirmed reservation by the MVLA Field Coordinator, you run the risk of getting expelled from the field. Any MVLA teams guilty of poaching fields without an MVLA-confirmed reservation will be subject to fines and/or loss of privileges at the discretion of the MVLA Board.

### What Constitutes "Poaching" and "Organized Use" by MVLA?

Poaching by MVLA members, teams, team officials, even players, is a difficult thing to define. There are many ways to interpret what constitutes poaching or disallowed organized use. It is often in this area that teams and coaches may disagree with the field owner, with the community, and even with the MVLA Board of Directors as to whether or not poaching has occurred.

At the core, MVLA appeals to its members to grasp the *spirit* of any rules concerning poaching and other prohibited use; these rules are intended to benefit the MVLA club and the community at large. While seemingly burdensome, especially when your desired usage is curtailed or prohibited, MVLA's and the field owner's rules serve to preserve our precious field assets for the use of all. These rules intend to keep usage organized and to reduce conflict, stress, and contention amongst users. If you expect your field to be there for you when you have a reservation, and you support MVLA's and field owners' efforts to reduce poaching by non-MVLA groups, then it is only fair that you, as a representative of MVLA, respond in kind and abide by the spirit to not poach fields. More specifically, you can stay safe and within the spirit and letter of our rules by always seeking a reservation from MVLA to use a field for your team or group, regardless of the size of the group.

Certainly an understanding of what constitutes organized use becomes a critical point in the analysis of whether or not poaching has occurred or whether or not you are putting your group at risk of being charged with poaching. Virtually all field/facility owners prevent any organized use without a formal, paid permit and sufficient liability coverage. Most field/facility owners allow certain casual community use that is not organized; such usage requires neither a permit nor insurance. However, such usage has to "look" unorganized, it must be intended for general community use, and cannot be repetitive, cannot look instructional, cannot look...*organized*.

A casual soccer group forming together from four disconnected subgroups that showed up ad hoc to juggle, shoot, or play 2v2 suddenly becomes organized when they hook up to play 4v4 soccer; and worsens their case when they wear pinnies or use rebounders, cones, or Puggs, or even worse, when they plan to meet once a month Sunday morning at 10am on that field. A coed group of ten teenagers from different teams that goes shirts and skins and plays a regular Wed night game at a field is an organized group. An MVLA parent who gets a group of 15 little ones together a couple times a week to teach them some juggling is an organized group. Hopefully you get the picture.

Moreover, certain field owners in our community have especially stringent rules and expectations concerning non-permitted or non-reserved use, whether organized or casual. In particular, all local high schools, including both private and public schools, consider their fields, facilities, and

outdoor courts closed to the public. They put their fields in a category akin to their classrooms, libraries, and gyms. The community does not expect these latter facilities to be left open for community use; the owners apply the same rationale to their fields. These policies apply to Pinewood, St. Francis, St. Joseph, Los Altos and Mountain View High Schools, Foothill College, De Anza College, and others. The owners may leave their gates open and look the other way for casual track use, but their fields are off-limits.

Some owners additionally impose "Blackout" days where, in agreement with neighbors, NO USE of the field is allowed and permits are never granted.

If MVLA members insist on violating the spirit of these owner policies, we risk losing our permits or, worse, we directly or indirectly induce the owner to allocate budget to create more permanent barriers to casual community use. For example, LAHS has completed construction to entirely enclose their AWT stadium in high fences and now locks the gates at night or on Blackout days altogether. As a result, even neighborly walking around the track is prohibited on such days. Neighbors hold soccer and football groups responsible for this sad turn of events.

Some parks in our community are never permitted to YSOs or ASOs. As such, any organized use falls under heavy scrutiny by neighbors, park rangers, City Operational personnel, and community users. These sites include but are not limited to Cuesta Park, Rengstorff Park, Shoreline Park, etc.

Most field/facility owners post signs and notices at their sites if they preclude unpermitted organized use. However, absence of such signs does not relieve you of responsibility to follow field owner and MVLA rules concerning poaching.

MVLA establishes the following guidelines to help MVLA members understand what constitutes organized use. If your group satisfies one or more of the following guidelines, it is most likely your usage will be considered ORGANIZED. This is not an exhaustive list. If your activity is considered organized and you do not have a reservation granted to you by MVLA for your use, then you and your group are probably poaching. You are putting your group at risk of being subjected to fines and sanctions imposed by MVLA and possibly by the field or facility owner.

Please refer to MVLA's Policy Interpretation Memoranda concerning Field Poaching for current Club policy details in this area.

*Your Use of a Field or Facility is Likely to be Considered Organized Use if:*

--your group is or has the potential to become (by word of mouth, for example) a group of a certain size (see MVLA Field Poaching PIM for current criteria).

--your group in any way expects the field or facility to be available for your use; meaning, you create a plan ahead of time to use the field, said plan being communicated by email, phone, flyer, or even word-of-mouth;

--your group accesses any of MVLA's or the field owner's locked, stored or put-away equipment without a reservation being made with MVLA

--your group uses a field or facility that is typically permitted by MVLA but you do not have a reservation made with MVLA, even if the field or facility is currently NOT permitted by MVLA;

--your group uses a field for which MVLA does not typically get a permit;

--your usage violates any Blackout Days at a particular site;

--your usage occurs without MVLA reservation at any of the local public or private high schools;

--your group is comprised of adults and/or elder youth instructing, guiding, coaching, mentoring, or organizing younger players, even if those players are from various teams or of various ages;

--your group is characterized as a lesson, clinic, camp, practice, game, etc., by its appearance or function. Do not wordsmith on this matter, the spirit of the rule applies here...is your event organized primarily by adults for the benefit of youth? Or are adults/elder youth who are present guiding or facilitating the activity? Or are any MVLA team officials involved? Then it is probably organized use.

--you are probably involved in organized use if any fee-for-service aspect exists, whether directly or indirectly. Any usage of this type automatically falls under the category of organized use (and in the case of some field owners -- MV City Code is a good example -- may call this "professionalized" organized use)

--you are involved in organized or unpermitted use any time a field owner, school official, or law enforcement representative considers your activity as such. If they ask you to leave the field, you must vacate the field.

--for further details, please refer to MVLA's Field Poaching PIM(s) for current club policy, definitions, and procedures