**YORK/POQUOSON VICTIM WITNESS PROGRAM POLICY ON DETERMINATION OF WORKER SUITABILITY FOR INTERACTING WITH MINORS**

1. **Introduction and Purpose**

York/Poquoson Victim Witness Assistance Program (YPVWAP) institutes this policy as part of its commitment to a safe and supportive environment for minors who participate in YPVWAP’s programs, outreach, and services. Where the purpose of some of YPVWAP’s grant-funded activities is to benefit individuals under 18 years of age, YPVWAP commits make a written determination of suitabilitybefore covered individualsmay interact with participating minors. This must be based on current and appropriate information and take into account certain factors and considerations.

YPVWAP is committed to providing a safe environment to obtain information, resources, and support for any and all minors who participate in YPVWAP programs and institutes this policy to ensure their safety.

1. **Definitions**

**Covered individual:** A covered individual is any individual (other than a participating minor, as defined below, or a client of YPVWAP who is expected, or reasonably likely, to interact with any participating minor (other than the individual's own minor children). A covered individual need not have any particular employment status or legal relationship with YPVWAP. Such an individual might be an employee of YPVWAP, but also might be an intern or volunteer.

**Participating minor:** All individuals under 18 years of age within the set of individuals described in the scope section of this condition as it appears on the award document are participating minors.

**Interaction:** Includes physical contact, oral and written communication, and the transmission of images and sound, and may be in person or by electronic (or similar) means. But "interaction" ***does not*** include -

* 1. Brief contact that is both unexpected by the YPVWAP and unintentional on the part of the covered individual.
	2. Personally-accompanied contact -- that is, infrequent or occasional contact in the presence of an accompanying adult, pursuant to written policies and procedures of YPVWAP that are designed to ensure that -- throughout the contact -- an appropriate adult who has been determined to be suitable pursuant to this policy will closely and personally accompany, and remain continuously within view and earshot of, the covered individual.
1. **Written Determination**

YPVWAP will make a written determination of suitabilitybefore covered individualsmay interact with participating minors. This must be based on current and appropriate information and take into account certain factors and considerations as outlined below.

YPVWAP will update searches, fingerprints, and reexamine suitability determinations at least every five years.

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| **Written Determination of Suitability** |
| **Current and Appropriate Information** *Background checks or screening – must be completed no earlier than six months before the determination. Screening includes:* | **Additional Factors and Considerations***In addition to “current and appropriate information” considered, YPVWAP* ***may NOT*** *determine a covered individual is suitable to interact with participating minors if the person:* |
| * Reviewing public sex offender and child abuse websites/registries
* The Dru Sjodin National Sex Offender Public Website ([www.nsopw.gov](http://www.nsopw.gov/))
* Reviewing criminal history registries via VCIN/NCIC
	+ Fingerprint cards to be maintained confidentially in the possession of the Program Director until eligible for dissemination.
 | * Withholds consent to a required criminal history search;
* Knowingly makes (or made) a false statement that affects or is intended to affect any required search;
* Is listed as a registered sex offender on the Dru Sjodin National Sex Offender Public Website;
* Has been convicted of: (1) sexual or physical abuse, neglect, or endangerment of an individual under the age of 18 at the time of the offense; (2) rape/sexual assault, including conspiracy to commit rape/sexual assault; (3) sexual exploitation, such as through child pornography or sex trafficking; (4) kidnapping; (5) voyeurism;
* Is determined by a federal, state, tribal, or local government agency not to be suitable.
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1. **Procedure**

In addition to any checks required in accordance with the County of York’s current hiring practices, YPVWAP will do a background check of applicants that fit the definition of working with minors above. YPVWAP will complete the following:

(a) search (by current name, and, if applicable, by previous name(s) or aliases), of the pertinent and reasonably- accessible federal, state, and (if applicable) local and tribal sex offender and child abuse websites/public registries, including--

(b) the website/public registry for each state (and/or tribe, if applicable) in which the individual lives, works, or goes to school, or has lived, worked, or gone to school at any time during the past five years; and

(c) the website/public registry for each state (and/or tribe, if applicable) in which the individual is expected to, or reasonably likely to, interact with a participating minor in the course of activities under the award.

YPVWAP will also complete a search of criminal history registries and similar repositories of criminal history records for each individual at least 18 years of age who is a covered individual under the current award, a fingerprint search (or, if the recipient or sub-recipient documents that a fingerprint search is not legally available, a name-based search, using current and, if applicable, previous names and aliases) -- encompassing at least the time period beginning five calendar years preceding the date of the search request -- of pertinent state (and, if applicable, local and tribal) criminal history registries or similar repositories, including--

(a) the criminal history registry for each state in which the individual lives, works, or goes to school, or has lived, worked, or gone to school at any time during the past five years; and

(b) the criminal history registry for each state in which he or she is expected to, or reasonably likely to, interact with a participating minor in the course of activities under the award.

YPVWAP will keep verification that the organization has performed the above-named checks in accordance with YPVWAP’s document retention policies.

Nothing in this policy will prevent YPVWAP from hiring a potential employee who may have a past criminal history unless the potential employee has a prior conviction for: (1) sexual or physical abuse, neglect, or endangerment of an individual under the age of 18 at the time of the offense; (2) rape/sexual assault, including conspiracy to commit rape/sexual assault; (3) sexual exploitation, such as through child pornography or sex trafficking; (4) kidnapping; or (5) voyeurism. Any hiring decision made by YPVWAP regarding someone with a criminal history absent the above-listed convictions should be made on a case-by-case basis in consideration of the offense to the position.

The below staff members of YPVWAP have been determined suitable to work with minors:

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| Staff Member | Position | Date certified |
| Anika Virgin | Program Director | 3/23/23 |
| Lori West | Assistant Director | 3/23/23 |
| Sarah Williams | Victim Advocate | 6/17/22 |
| Linda Austin | Administrative Assistant | 4/16/21 |
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Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_