



**OREGON YOUTH AUTHORITY**  
**Policy Statement**



**I-B-5.0 Agency Acceptance of Donations for Offenders**

**Approved**

**Effective:** May 9, 2005

**Supersedes:**

**Interpretation:** Program Office

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Bob Jester, Director

**REFERENCES**

420.030(3) Oregon Youth Authority Account

OYA policy: II-B-1.0 (Relationships with Offenders)

OYA forms: YA 2199 OYA Receipt For Donation

**DEFINITIONS**

Charitable donation: A voluntary transfer of money or property for which the donor expects and receives nothing of value in return.

Contested case: A proceeding before an agency:

(A) In which the individual legal rights, duties or privileges of specific parties are required by statute or Constitution to be determined only after an agency hearing at which such specific parties are entitled to appear and be heard;

(B) Where the agency has discretion to suspend or revoke a right or privilege of a person;

(C) For the suspension, revocation or refusal to renew or issue a license where the licensee or applicant for a license demands such hearing; or

(D) Where the agency by rule or order provides for hearings substantially of the character required by ORS 183.415, 183.425, 183.450, 183.460 and 183.470.

Director's Group: An administrative group that provides oversight to agency operations. Membership includes the Director, Deputy Director, and Assistant Directors, and other persons as requested by the group. This group makes recommendations to the OYA Director.

Gifts in Kind: Items of personal property excluding cash or securities whether owned by an individual, corporation, foundation, or other entity, which are transferred to the OYA for its ownership and use. The most common forms of such donations include works of art, books, equipment, furniture, computer software, and software licenses.

Real property: The interests, benefits, and rights inherent in real estate ownership.

## **POLICY**

The OYA may receive private support to achieve its mission. This support may take many forms, from donations of cash to the transfer of personal property. Once received by the OYA, this support, in whatever form given, may become part of the OYA's asset base. Legislative approval is required for the acceptance of donations of real property.

Donations may be made to a specific offender or may be made to the OYA for the benefit of all offenders in OYA custody.

It is of critical importance to have an appropriate and uniform process for receiving and receipting of donations. The OYA will acknowledge the acceptance of such donations not later than the 15<sup>th</sup> day after the date the donation is accepted.

A donation will not be accepted from a person(s) who is involved in a contested case before the agency until the 365<sup>th</sup> day after the date the decision in the case becomes final.

Donations of cash to the agency should not be accepted unless the check is made payable to "Oregon Youth Authority".

Staff will not give gifts, no matter how trivial they may seem, to any offender.

### **I. Procedures**

The following procedures apply to donations that support an offender activity, but not to donations that are made to individual offenders. Donations designated for a specific offender are acknowledged and accounted for following local procedures.

The OYA acknowledgment applies to donations that are to be administered or distributed by the agency or that are to be used by the agency to operate or improve agency programs or facilities.

The following procedures are to be followed to ensure that, prior to receiving a donation, the item(s) is deemed acceptable to the OYA. It is the responsibility of the Superintendent/Camp Director or Supervisor/Manager to ensure that the procedures below are initiated/followed depending upon the nature of the donation.

- A. Within ten days of the receipt of a donation, the Superintendent/Camp Director or Supervisor/Manager will assign a value to the donation and prepare and submit a memo to the appropriate Assistant Director that contains the following:
  1. a description of the donation including its value;

2. the name, address, and telephone number of the donor;
  3. the purpose or intended use of the donation; including any restriction or conditions on its use, if any; and
  4. a copy of the receipt (YA 2199) given to the donor.
- B. If the donation is extraordinary, the appropriate Assistant Director will send an electronic copy of the memo and agenda to the Director's Executive Support staff for inclusion on the next Director's Group meeting agenda. The Director's Group will review the donation for legality, appropriateness, and possible conflict with statewide policies.
- C. Reasons the OYA may decline a donation include:
1. There are unusual features to the donation that are contrary to the objectives, values, or goals of the OYA;
  2. The donation could financially or morally jeopardize the donor and/or the OYA or the reputation and/or values of the donor or could be inconsistent with the values of the OYA;
  3. The donation or terms of the donation are illegal or contravene federal or state regulations;
  4. The OYA is unable to honor the terms of the donation;
  5. An appropriate fair market value cannot be determined or will result in unwarranted or unmanageable expense to the OYA, including expenses to account for it;
  6. There are physical or environmental hazards to the OYA in accepting the donation;
  7. A suitable physical location or storage cannot be located for the donation;
  8. The donation involves false promises on the part of either party.
- D. If the donation involves computer hardware, software, or software licenses, the Manager of Information Systems may review the proposed donation and recommend whether it be accepted.
- E. Each donor will be given a receipt at the time the donation is received.
- F. Cash donations and notification of property donations will be sent to central Accounting.