



OREGON YOUTH AUTHORITY

Policy Statement

Part II – Youth Services (Facilities)



Subject:

Preserving Chain of Evidence

Section – Policy Number:

A: Security – 1.2

Supersedes:

I-A-1.2 (12/14)

II-A-1.2 (10/11)

II-A-1.2 (03/07)

II-A-1.2 (08/96)

Effective Date:

08/04/2025

Date of Last

Review/Revision:

None

Related Standards and References:

- American Correctional Association, *Standards for Juvenile Correctional Facilities*; 4-JCF-2A-21 (Preservation of Physical Evidence)
- [OYA policy](#):
 - II-A-2.0 (Searches of Youth and Youth Property in OYA Facilities)
 - I-A-10.0 (Preventing, Detecting, and Responding to Youth Sexual Abuse and Sexual Harassment)
 - II-D-2.2 (Suicide Prevention in Close-custody Facilities)
- [OYA forms](#): YA 4090 (OSP Criminal Case Contraband/Evidence Log)
YA 4091 (PSO Dangerous Contraband/Evidence Log)
YA 4092 (Administrative Contraband/ Evidence Log)
YA 4093 (Evidence Disposition Authorization)

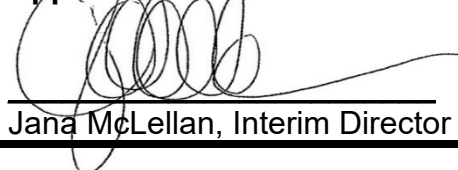
Related Procedures:

- None

Policy Owner:

Facility Services Assistant Director

Approved:


Jana McLellan, Interim Director

I. PURPOSE:

This policy provides standards for OYA staff in processing potential evidence while working in an OYA facility.

II. POLICY DEFINITIONS: None.

III. POLICY:

OYA recognizes safety and security of the public, its staff and the youth in its care as an essential practice. Staff will ensure the safety and security of those involved in an incident prior to handling potential evidence.

Staff must know and follow the correct procedure for handling evidence. It is vital that evidence is preserved in situations that may involve further criminal investigation or possible disciplinary action. Evidence will be handled by the staff

who discovers it. The chain of custody procedures for all evidence requires documentation of each step in the handling process.

IV. GENERAL STANDARDS:

A. Staff must follow these standards when handling evidence.

1. Evidence related to a homicide, attempted homicide, other death investigation, or sexual abuse within a facility must be secured in place and not disturbed by staff pending notification of the Oregon State Police (OSP).
 - a) Staff must follow reporting and investigation of sexual abuse procedures in accordance with OYA policy I-A-10.0 (Preventing, Detecting, Responding to Youth Sexual Abuse and Sexual Harassment).

First responders must separate the alleged victim and perpetrator. Request the alleged victim to not take any actions that could destroy physical evidence, and ensure the alleged perpetrator does not take any actions that could destroy physical evidence. Such actions include brushing teeth, changing clothes, showering, washing, urinating, defecating, drinking, and eating.
 - b) If an attempted or completed homicide or suicide occurs, staff must presume the victim is alive and initiate life-saving procedures as soon as security protocols are initiated.
2. Evidence related to electronic communication devices or data storage devices (e.g., mobile communication devices, laptops, pagers, flash drives, DVDs, CDs, etc.)
 - a) Facility staff must notify the Professional Standards Office (PSO) when any type of electronic communication device or data storage device is confiscated as evidence.
 - b) Facility staff must handle electronic communication devices and data storage devices as administrative (non-criminal) evidence as described in subsection 4 below.
 - c) PSO staff will determine whether facility staff may send the electronic communication device or data storage device to PSO or OSP for analysis.
3. Evidence related to weapons (improvised or other) and suspected illegal substances require notification to PSO, regardless of whether the evidence is connected to a criminal referral to OSP or not.
 - a) Staff must notify PSO when any type of weapon (improvised or other) or suspected illegal substance is confiscated as evidence in an OYA facility.

- b) Staff must place a weapon or suspected illegal substance in the OSP evidence locker if it is connected to a criminal referral to OSP. See section C for storage locker standards.
 - c) Staff must place weapons or suspected illegal substances that are **not connected** to a criminal referral to OSP in their facility's dangerous contraband/evidence locker. See section C for storage locker standards.
4. At the direction of OSP or PSO, staff may handle evidence and must follow these standards:
- a) Have another staff member present while processing evidence, when possible;
 - b) Wear gloves when searching or handling evidence;
 - c) Handle evidence as little as possible;
 - d) When handling potentially dangerous or suspected illegal substances, staff must wear an N95 respirator mask.
 - e) Photograph evidence whenever possible. If possible, evidence must be photographed in place and from different angles in the area prior to collection;
 - f) When counting evidence, always count twice for accuracy;
 - g) Bloody or wet items must be air-dried in a secure location and placed in a paper bag. Never place bloody or wet items in a plastic bag; and
 - h) When gathering clothing, collect victim and suspect items separately. Always package the victim's clothing separately from the suspect's clothing.

B. Packaging evidence

- 1. Each facility must order and maintain a supply of evidence collection materials for processing and packaging evidence.
- 2. Facility staff must use industry standard plastic or paper evidence bags when packaging evidence that is confiscated in an OYA facility.
- 3. When a plastic evidence bag is used, the outside of the evidence bag must contain the following information:
 - a) Description of the evidence;
 - b) Date and time found and by whom;
 - c) Location found;

- d) Name(s) of youth or staff involved; and
 - e) Staff's signature.
4. Evidence placed in a paper evidence bag must have the following information written with pen on the paper bag and sealed with evidence tape:
- a) Description of the evidence;
 - b) Date and time found and by whom;
 - c) Location found;
 - d) Name(s) of youth or staff involved; and
 - e) Staff's signature over the evidence tape.

C. Evidence locker storage

- 1. Evidence must be stored in an evidence locker in a secure location in the facility.
- 2. Each facility must have the three types of evidence storage lockers listed below, regardless of the facility's program type (i.e., youth correctional facility or youth transition facility/camp).
 - a) Oregon State Police (OSP) evidence storage (connected to an OSP referred criminal cases);
 - b) Dangerous/PSO contraband/evidence storage (weapons, suspected illegal substances and electronics not connected to a referred criminal case); and
 - c) Administrative contraband/evidence storage (nuisance contraband and contraband that is connected to an administrative process such as a hearing, case management, incident follow-up, YIR, etc.).
- 3. PSO must be notified when evidence is placed in an OSP evidence storage locker or dangerous/PSO contraband/evidence storage locker.
- 4. Each facility must have a secure locker to air dry evidence that is wet or contains bodily fluid evidence (e.g., blood, saliva), as a component of their OSP evidence storage.
- 5. Access must be limited to the security manager (if have one), superintendent/camp director, and assigned OSP trooper/detective.

A chain of evidence log (YA 4090; YA 4091; or YA 4092) must be maintained by those accessing the storage lockers.

D. Documentation

1. Staff must document all evidence in their facility's evidence contraband logs in accordance with the storage of the evidence [OSP (YA 4090), dangerous/PSO (YA 4091), or administrative (YA 4092)].
2. Staff must document their findings in a Youth Incident Report (YIR) or a written report. The YIR or report must contain the following information:
 - a) Description of the evidence;
 - b) Date and time found and by whom;
 - c) Location found;
 - d) Name(s) of youth or staff involved;
 - e) Explanation of the circumstances surrounding the incident; and
 - f) All transfers of evidence from one staff member to another to document the legal chain of custody.

E. Evidence disposal

1. Staff must never dispose of evidence independently or alone. At least two staff must be present during the disposal process, and must sign off on the disposal.
2. Only management service staff who have completed evidence disposal training may dispose of evidence.
3. Management staff must document their evidence disposition on a YA 4093 (Evidence Disposition Authorization/Property Sheet) form.
4. Only an OYA contracted evidence disposal agency may destroy evidence, when required.
5. Nuisance contraband or items of value that are not dangerous contraband may be returned to the youth or youth's family as appropriate, after release is authorized by OSP or PSO.

Examples of items that may be returned to youth or families include:

- a) Currency (cash/coin or check);
- b) Jewelry; and
- c) Electronic devices (e.g., cell phone, MP3, USBs).

V. LOCAL OPERATING PROTOCOL REQUIRED: NO