



# OREGON YOUTH AUTHORITY

## Policy Statement

### Part II – Youth Services (Facilities)



Subject:

#### Preserving Chain of Evidence

Section – Policy Number:

**A: Security – 1.2**

Supersedes:

**II-A-1.2 (10/11)  
II-A-1.2 (03/07)  
II-A-1.2 (08/96)**

Effective Date:

**12/30/2014**

Date of Last Review:

**05/28/2019**

#### 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 4407 (Chain of Custody – Urinalysis Testing)

#### Related Procedures:

- None

#### Policy Owner:

Facility Services Assistant Director

Approved:

Fariborz Pakseresht, 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.
    - 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) In the event of an attempted or completed homicide or suicide, 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 section 3 below.
    - c) PSO staff will determine whether facility staff may send the electronic communication device or data storage device to PSO or the Oregon State Police for analysis.
  3. At the direction of the Oregon State Police or PSO, staff may handle evidence and must follow these standards:
    - a) Wear gloves whenever searching or handling evidence;
    - b) Handle evidence as little as possible;
    - c) Photograph evidence whenever possible. Evidence should be photographed in place prior to collection;
    - d) When counting evidence, always count twice for accuracy;

- e) Bloody or wet items should be air-dried and placed in a paper bag. Never place bloody or wet items in a plastic bag; and
  - f) When gathering clothing, collect victim and suspect items separately. Always package the victim's clothing separately from the suspect's clothing.
- B. Staff must follow these guidelines when packaging evidence.
- 1. With exception of evidence placed in a paper bag, the following information must be placed inside a transparent container and sealed with the evidence:
    - 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 signature.
  - 2. Evidence placed in a paper 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 signature over the evidence tape.
- C. The evidence must be stored in an Oregon State Police evidence locker in a secure location in the facility. Access will be limited to the security manager (if have one), superintendent/camp director, and the assigned Oregon State Police Officer. A chain of evidence log will be maintained by those accessing the locker.
- D. Staff must document their findings in a Youth Incident Report (YIR) or a written report. The YIR or report must contain the following information:
- 1. Description of the evidence;
  - 2. Date and time found and by whom;
  - 3. Location found;
  - 4. Name(s) of youth or staff involved;
  - 5. Explanation of the circumstances surrounding the incident; and
  - 6. All transfers of evidence from one staff member to another to document the legal chain of custody.

**V. LOCAL OPERATING PROCEDURE REQUIRED: NO**