

**INTERAGENCY AGREEMENT BETWEEN
OREGON STATE POLICE AND OREGON YOUTH AUTHORITY**

This Interagency Agreement was prepared to serve as a guideline for reporting and investigating alleged criminal conduct by youth in the legal and/or physical custody of the Oregon Youth Authority (OYA), employees of the OYA, or visitors to OYA facilities to the Oregon State Police (OSP).

Crimes committed within State of Oregon institutions are the responsibility of OSP in regard to conducting criminal investigations.

Definitions:

"Employees" means any employee of the OYA.

"Youth" means any youth in the legal and/or physical custody of the agency who is located in any OYA facility, to include Department of Corrections offenders in the physical custody of OYA. This does not include acts alleged to have been committed by youth placed in OYA community programs, including OYA contracted residential programs, foster homes, or home placements.

"Victim" (as used in ORS 40.385, 135.230, 135.406, 135.970, 147.417, 147.419 and 147.421 and in ORS chapters 136, 137 and 144, except as otherwise specifically provided, or unless the context requires otherwise) means the person or persons who have suffered financial, social, psychological, or physical harm as a result of a crime and includes, in the case of a homicide or abuse of a corpse in any degree, a member of the immediate family of the decedent and, in the case of a minor victim, the legal guardian of the minor. In no event shall the criminal defendant be considered a victim. [1987 c.2 §17; 1993 c.294 §3; 1997 c.313 §30]

"Alleged criminal conduct" may include any conduct engaged in by any visitor, OYA employee or youth in the custody of the OYA that may be a violation of federal law or the Oregon Revised Statutes.

Crimes committed by employees of the OYA outside of a state institution, with a nexus to their employment with the State of Oregon will be reported to OSP to determine the law enforcement agency venue for reporting the alleged criminal conduct.

For Crimes committed within a state institution:

1. Evidence will be collected, documented, packaged and stored according to current OSP and OYA policy to ensure the integrity of the item and its proper chain of custody. The scene of an alleged crime will be preserved pending notification and arrival of OSP. Relevant evidence will be stored and submitted to an OSP Forensics Laboratory for appropriate testing and legal destruction when authorized and/or appropriate. Staff will provide reports and pertinent information to OSP.

2. If OSP determines the reported wrongful activity does not involve criminal conduct, OSP will refer the case to the OYA Professional Standards Office (PSO) and/or the respective OYA facility/field office administrator.
3. If during the course of a criminal investigation reliable information of a non-criminal nature is developed that may lead to disciplinary action or that effects the security or safety of the facility, OSP will notify OYA PSO and/or the respective facility/field office administrator.
4. In circumstances involving the report of abuse or suspected abuse, the youth/victim shall be protected from the suspect. During the duration of the investigation, this may require:
 - a. Reassignment of the suspect to other duties;
 - b. Placing the suspect on leave; and/or
 - c. Relocating the victim away from the suspect.
5. Sexual assault investigations will be conducted in accordance with guidelines established by the Prison Rape Elimination Act (PREA) and sexual assault investigation protocols established by Oregon statute and best practices.
6. No interviews of youth will be conducted by personnel or representatives of the respective OYA facility or field office.
7. Upon conclusion of law enforcement interviews of the youth, the police investigator will contact and advise the institution administrator (or other person designated by the agency) of the allegation and arrange for an interview of the alleged suspect.
8. Upon conclusion of the youth interview, the police investigator (or person designated by the investigator) will contact and advise the legal guardians of the complaint. Facility/field office personnel should **NOT** contact the parents or legal guardians/agency prior to consulting with the police investigator.
9. The suspect shall be interviewed in private by a police investigator.
 - a. The interview shall not be in the presence of other staff members or supervisors.
 - b. The criminal investigation shall remain separate from any administrative investigation OYA deems necessary.

10. Upon conclusion of the initial interviews, the police investigator will advise the facility/field office administrator (or other person designated by the agency) of the case status so that they may assess the situation and the need for further personnel actions (*i.e.*, modified duties, suspension, temporary reassignment, etc.). At this time, the responsibilities regarding further investigation by OSP, OYA, OYA PSO and OYA Human Resources will be determined.
11. All alleged abuse that is the subject of mandatory reporting will be handled according to appropriate Oregon Revised Statutes. Mandatory reports and cross reporting are the responsibility of OYA and OSP staff. At any time that an OYA employee determines that a mandatory report is required, the employee shall make the report per local protocol with the local OHS branch office/hotline.
12. When any employee is alleged to have committed abuse during the course of their employment, the alleged incident will be reported to OSP.
13. Abuse occurring outside of an OYA facility not involving an OYA employee as the alleged suspect will be reported to the law enforcement agency with jurisdiction in the alleged incident (OSP may be consulted to help determine the appropriate law enforcement agency).

When a youth placed in a youth correctional facility has escaped or is absent without authorization from the youth correctional facility or from the custody of any person in whose charge the youth lawfully has been placed, the superintendent of the youth correctional facility concerned, or the superintendent's authorized representative, may order the arrest and detention of the youth.

1. OYA will be responsible for making the appropriate LEDS/NCIC entries regarding these situations.
2. When the superintendent or authorized representative of an OYA correctional facility has reasonable belief that grounds exist for issuing the order, OYA staff will immediately contact the OSP, Northern Command Center at (503) 375-3555 and report the details of the incident.
3. OSP will facilitate the appropriate law enforcement response and assure the appropriate Criminal Investigations Division notifications are made.

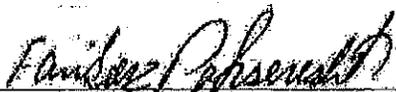
OSP will send copies of all OSP completed criminal investigation reports to OYA PSO.

In all matters, OYA and OSP will be guided by agency rules, policies, protocols and Oregon Revised Statutes.

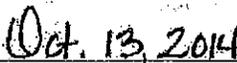
Liability

The agencies understand that each is insured with respect to tort liability by the State of Oregon Insurance Fund, a statutory system of self-insurance established by ORS 278, and subject to the Oregon Tort Claims Act (ORS 30.260 - 30.300). Each agency agrees to accept that coverage as adequate insurance of the other party with respect to personal injury and property damage.

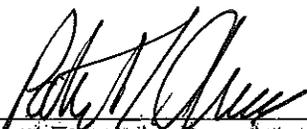
Self-Insurance Loss Allocation. The Agencies agree that any tort liability claim, suit, or loss resulting from or arising out of the parties' performance of and activities under this contract shall be allocated, as between the state agencies, in accordance with law by the Risk Management Division of the Department of Administrative Services for purposes of their respective loss experiences and subsequent allocation of self-insurance assessments under ORS 278.435. Each party to this contract agrees to notify the Risk Management Division and the other agency in the event it receives notice or knowledge of any claims arising out of the performance of, or the agencies' activities under this contract.



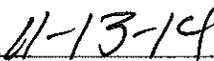
Fariborz Pakseresht, Director
Oregon Youth Authority



Date



Richard Evans Jr., Superintendent
Oregon State Police



Date