



CRIMINAL ACTS

POLICY.

It is the policy of the Deschutes County Corrections Division to report any crime or offense that affects Deschutes County Adult Jail (DCAJ), Work Center (WC), or Courthouse staff, inmates or operations.

PURPOSE.

The purpose of this policy is to provide staff with guidelines on how to report crimes and offenses, use the proper authority to make arrests and do investigations, and protect evidence and crime scenes, hold inmates accountable for violations of federal, state or local law while in the facilities to maintain the safety of staff, other inmates, and maintain an orderly facility.

OREGON JAIL STANDARDS:

- C-409 Criminal Violations
- E-401 Jurisdiction
- E-402 Protection of Evidence and Crime Scenes

REFERENCES:

- United States Constitution, Amendment 5 (Prohibition against self-incrimination)
- ORS 146.090, Deaths requiring investigation
- ORS 146.095, Investigation; certification; report; training
- ORS 146.100, Where death considered to have occurred; notification of death required
- ORS 146.103, Removal of body ,effects, or weapons prohibited without consent
- ORS 146.107, Authority to enter and secure certain premises
- ORS 162.185, Supplying contraband
- DCSO [Policy Evidence Control Policy No. 4.10](#)

DEFINITIONS.

Cease Movement. A jail wide order to stop all internal inmate movement immediately. Self-escorting inmates continue on to the destination. No one, including staff, may enter or leave the secure perimeter of the jail without a corrections supervisor's approval.

Chain of Custody. The record of transfer for an item that shows successive possession by all those who handled or stored it. Chain of custody supports testimony given to authenticate and identify an item as evidence.

Crime. An offense for which a sentence of imprisonment (in jail or prison) is authorized. A crime is either a felony or misdemeanor.

Crime Scene. The area where a crime was committed or evidence of a crime was discovered.

Criminal Activity. Actions that violate local, state, and federal criminal law.

Evidence. Any physical object or surveillance footage that may provide information about how the crime occurred or connects the crime to the person who committed it.

Investigator. A corrections deputy, detective or other law enforcement officer from outside the jail, assigned to look into criminal activity or crime or offense in the jail. In the case of death, an investigator includes the county medical examiner.

Minor Crime. Any offense or crime that is not a serious crime.

Offense. Conduct for which a law or ordinance prescribes imprisonment (in jail or prison) or a fine.

Serious Crime. Any crime or offense that involves significant injury to any person, death, a major inmate disturbance, the substantial loss or destruction of property, criminal activity involving people outside of the jail, ties to ongoing investigations by other agencies, or for other reasons unique to the specific case. A crime or offense that calls for the use of the resources of another agency.

Staff Misconduct. Violation of law, ordinances, County or Sheriff's Office policies, procedures, rules, code of ethics, or oath of office.

PROCEDURES.

SECTION A: GENERAL GUIDELINES

- A-1.** All known, or suspected, crimes or offenses committed by inmates in custody will be investigated by the Deschutes County Sheriff's Office.
- A-2.** Crimes committed by staff at the DCAJ or WC may be investigated by outside jurisdictions at the discretion of the Sheriff.

- A-3.** The decision to prosecute crimes occurring in the DCAJ or WC rests with the Deschutes County District Attorney's Office.
- A-4.** DCAJ or WC staff that discover or suspect a crime or criminal activity will follow these basic guidelines:
- a. If not a deputy, call for a deputy.
 - b. Call corrections health care staff or Emergency Medical Technicians (EMTs) if people are injured. If trained, render first aid until relieved by medical personnel.
 - c. Lock down or remove all inmates from the immediate area.
 - d. Call a shift supervisor to report the incident.
 - e. Secure the suspected perpetrator if there is probable cause.
 - f. Secure the crime scene and protect evidence.
 - g. Keep a mental note of times, locations, inmate and staff involvement, and incident events. Write details down as soon as possible.
- A-5.** Once notified of a crime or criminal activity, the shift supervisor will follow these basic guidelines:
- a. May call a cease movement.
 - b. Will respond to the scene.
 - c. May assign additional staff to control access to the crime scene.
 - d. Will contact a corrections lieutenant and/or corrections captain if it is a serious crime.
 - e. Will determine whether to assign a corrections investigator or a patrol deputy for completion of an investigation.
 - f. Will assign a deputy to write an *Incident Report Form No. 102*.
 - g. Will direct a deputy to handle the disciplinary process in the jail.
 - h. Will direct which involved staff must write supplemental narratives.
 - i. Will ensure all necessary reports are submitted.
 - j. Will assist the investigating deputy by retrieving and releasing any digitally recorded evidence of the alleged criminal act upon request. Any request for digitally recorded footage must be documented on a DCAJ Video Request, Form No. 141.
- A-6.** When a criminal investigation is being conducted, a suspect shall be advised of his Miranda Rights if questioned by investigators. The assigned investigating deputy should be the only deputy to advise a potential suspect of Miranda. Deputies shall be familiar with the Miranda Rights and carry a Miranda Warning Card for proper admonishment.
- A-7.** Inmates are subject to both jail discipline and criminal prosecution for the same act. Staff will process discipline and criminal prosecution actions apart from each other; neither action depends on or limits the other.
- a. Criminal Violation Process: When an inmate violates an administrative rule that is also a violation of federal, state or local law, the case should be prosecuted administratively, as a disciplinary violation, submitted to the district attorney for consideration of criminal charges, and

- 1) The administrative lieutenant will document each occasion when a case was submitted to the district attorney (including whether a complaint was issued); and
- 2) Document whether a criminal complaint was issued or not. Information will be reported to the corrections captain monthly.

A-8. If deputies suspect a substance is an illegal drug, they will ask a corrections supervisor for a drug test kit. The corrections supervisor will contact a patrol supervisor for assistance. If the result is positive and they have probable cause to believe an inmate possessed the illegal drug, they will charge that inmate with a crime. Based on the criminal charge, the deputy should fill out an *Oregon State Police Form 49*, Forensic Sciences Request, for an official test of the substance.

A-9. Deputies will preserve and collect all evidence in incidents involving:

- a. Use of force resulting in injury or death.
- b. Jail suicide.
- c. Injury to staff or inmate, including significant medical events.
- d. PREA events.
- e. Riot or hostage situations.
- f. Escape or attempted escape.
- g. Other events that may lead to litigation.

SECTION B: CRIME SCENE AND EVIDENCE PROTECTION

B-1. Deputies will protect the crime scene so evidence is not lost, destroyed or contaminated. Deputies or investigators will do the following to protect the crime scene:

- a. Block off the crime scene and all paths into and out of the scene.
- b. Limit access to the scene only to people with a need to be there.
- c. Do not move or touch anything except to render emergency medical aid.
- d. If staff should move an object for safety or security reasons, photograph or mark its location.
- e. Do not move or cover a dead body, remove effects from the body, or remove instruments or weapons related to the death without consent of the medical examiner, deputy medical examiner, or district attorney.
- f. Wear gloves while in the crime scene.
- g. Take pictures of all parts of the crime scene. (Undeveloped film, diskettes, compact disks, data cards containing flash memory and videotape are evidence.)
- h. Collect all evidence.
- i. Have inmate workers clean the area once forensic technicians and investigators are done collecting evidence and a supervisor has approved the cleaning.

B-2. Deputies must seize and retain evidence in a legal manner. Deputies will limit the number of handlers to safeguard the chain of custody, and they will collect and store criminal evidence according to DCSO policy [*Evidence Control Policy No. 4.10*](#). (They will note any changes of custody in the Incident Report.) They will collect and store

criminal evidence as follows:

- a. Handle evidence carefully and with gloves when appropriate.
 - b. Tag or place evidence in an appropriate container based on its size and properties. All evidence will be placed in sealed containers such as plastic bags, or paper bags, boxes or other similar containers unless it is too bulky to do so. The deputy will sign and date the seal on each container. Each container will be labeled with the case number, the item number and the date and the name of the deputy. Tags may be used to identify large or bulky items.
 - c. Complete a DCSO *Property-Evidence Report*. If the crime is for contraband found during a search of the inmate or the inmate's property at intake or dress-in, include the case number of the arresting agency as a connecting case.
 - d. Label the outside of the evidence container, or tag, with the information listed below. (Deputies may use Sheriff's Office evidence labels or write the information on the container.)
 - 1) Case number
 - 2) Item number
 - 3) Date and time seized
 - 4) Who seized the evidence
 - 5) Witness name
 - 6) Miscellaneous comments, if appropriate
 - e. Take the evidence to the Evidence Room at Sheriff's Office. The evidence custodian will assign storage location to each item of evidence and record this information on the original DCSO *Property/Evidence Report form*. The original form will be maintained in a master file in the Evidence Room. The blue copy of the Property/Evidence Form will be attached to, and kept with the evidence.
 - f. Digitally recorded evidence (surveillance footage) can be copied and released upon the receipt of a DCAJ Video Request, Form No. 141. This form must be completed by the investigator demonstrating their request for evidence and the transfer (chain of custody) of the evidence requested. Shift supervisors or their designee have authorization to copy or reproduce digitally recorded evidence for suspected crimes involving inmate on inmate crimes or inmate on staff crimes. They are not authorized to record, reproduce, or release any digitally captured events for any other investigation. All other requests must be made a corrections lieutenant or their designee.
- B-3.** The reporting deputies must:
- a. Write an Incident Report.
 - 1) Obtain a Sheriff's Office case number, if necessary, from 911. (Be prepared to give them the offense and victim or suspect's name.)
 - b. If the reporting deputy made an arrest, a DCAJ *Custody Intake Form No. 307* must be completed.
 - C. Any transference of evidence requires proper documentation, DCSO *Property/Evidence Report* form to document the chain of custody and in the case of digital evidence DCAJ Video Request, Form No. 141 showing a request for evidence.

SECTION C: RESPONSE TO CRIMINAL ACTIVITY IN COURT FACILITIES

- C-1.** Court security staff will coordinate an immediate response to incidents of a possible criminal nature at court facilities.
- a. The court security sergeant, or shift supervisor in the sergeant's absence, will consult with a lieutenant to determine the need to contact Deschutes County Sheriff's Office patrol or Bend Police Department (BPD) regarding the incident.
 - b. Court security deputies will respond to all calls for assistance at court facilities. They will maintain control over an incident until relieved by a local law enforcement agency.
 - c. Whether issuing a citation to appear or making a probable cause arrest, deputies will follow all policies and procedures.

SECTION D: INVESTIGATIONS

- D-1.** A Corrections Captain or Sheriff will decide who will investigate serious crimes within a jail area or committed by jail inmates outside the facility while under corrections staff supervision. Normally, it will be Sheriff's Office detectives. If the criminal activity involves people in the jurisdiction of another agency, the deputy will coordinate investigation efforts with that agency. The Shift supervisor may have corrections staff help gather evidence or question witnesses.
- D-2.** At the direction of a shift supervisor, a corrections or patrol deputy will investigate minor crimes that take place within a jail area or were committed by jail inmates outside the facility while under jail staff supervision. The deputy will interview all involved inmates and staff who are not writing supplemental reports. The deputy may tape record interviews, but must inform all parties that they are being recorded.
- D-3.** Corrections staff that discover or suspect misconduct will contact a corrections supervisor. In addition to standard response and investigation, supervisors will do the following:
- a. Handle any investigation of misconduct by a Sheriff's Office employee according to policy [DCSO Complaint Review Policy No. 3.01](#).
 - b. Work with the programs supervisor on investigations of volunteers, if it does not compromise the investigation.
 - c. Work with the appropriate lieutenant or captain for investigations of contract service providers or other county employees.

SECTION E: STAFF TRAINING

E-1. The Corrections Captain should ensure all corrections staff receives initial and periodic training on how to recognize and report criminal activity, crimes, and offenses, and protect a crime scene and evidence. Corrections deputies should also receive initial and periodic training on how to collect and process evidence, conduct an interview, question suspects, and investigate incidents.

FORMS USED:

- DCSO Criminal Report Form
- DCSO Property/Evidence Report Form
- Jail Incident Report Form No. 102 (JMS)
- Miranda Warning Card
- Oregon State Police Form 49
- [Jail Video Surveillance Request Form No.141](#)