

3392

## Memorandum of Understanding

Between the Lincoln County District Attorney's office and the City of Newport

This Memorandum of Understanding (MOU) sets forth the terms and understanding between the Lincoln County District Attorney's office (LCDA) and the City of Newport with regards to digital evidence submitted by the Newport Police Department (NPD) through Evidence.com.

### Background

The LCDA and NPD have a documented history of collaboration working to better the community by eradicating crime, advocating for victims, and holding offenders accountable. A small part of that work includes the dissemination of evidence from NPD to LCDA for prosecution of criminal cases.

### Purpose

As the parties move forward in the new age of digital evidence and how it is processed and exchanged, written procedures need to be updated to establish seamless handling and operation.

### Requirements

The parties agree that the following protocols shall be followed when NPD shares evidence with the LCDA Office::

1. All digital items must have the Agency Case # (i.e. 21N-01234) in the ID field. A case must be created with the same Agency Case # (i.e. 21N-01234) and all digital items with that same case number must be added to this case. Do not add any other descriptor to either the ID Field or the Case Name.
2. The entire case must be shared to a group at the LCDA's office using this email address: [daevidence@co.lincoln.or.us](mailto:daevidence@co.lincoln.or.us).
3. If a case has been shared once with LCDA, any additional digital items belonging to an existing case must be added to an existing shared case and updated with LCDA. NPD's Evidence.com should prompt for this update. Do not create a new case with -02.
4. The following evidence shall NOT be shared via Evidence.com (thumb-drives are the preferred method of sharing, delivered with the original citations, probable cause affidavits and served/unserved subpoenas):
  - A. Medical records
  - B. Child pornography or child nudity
  - C. Cell phone downloads
  - D. Homemade pornography
5. In Karly's Law cases, a physical copy or secure email of photos will still need to be sent to Ellen Everitt at [ebranford@co.lincoln.or.us](mailto:ebranford@co.lincoln.or.us), Erin Carrington at [medicalprovidercac@gmail.com](mailto:medicalprovidercac@gmail.com), and the CAC at [cacadvocates@caclincn-or.org](mailto:cacadvocates@caclincn-or.org), per KL requirements along with sharing the evidence for the case per the direction given in 1 – 4 above.
6. NPD shall no longer share Children Advocacy Center (CAC) forensic interviews with LCDA..
7. NPD is responsible for collecting, at minimum, the following digital evidence for their case and forwarding that evidence to LCDA via Evidence.com: Intox, Jail Videos, and 911 Calls.

8. The Secure File Transfer Protocol (SFTP) will continue to be used only for paper documents. Copies of original documents (ie, citations, PC affidavits) may be shared as an FYI through the SFTP, but original documents should continue to be delivered.
9. Third-party media, at this time, will be shared with LCDA outside of evidence.com.
10. All digital evidence should be shared within 3 days of the report being referred through SFTP.

**Reporting**

This MOU should be reviewed at least annually by the parties, and more often as needed.

**Duration**

This MOU shall become effective on January 1, 2022, and shall remain in effect until terminated by either party with 60 days written notice to the other party. This MOU may be modified in writing by mutual consent of the parties.



\_\_\_\_\_  
Lanee Danforth  
Lincoln County District Attorney



\_\_\_\_\_  
Spencer Nebel  
City of Newport

6/15/22

\_\_\_\_\_  
Date

12-07-21

\_\_\_\_\_  
Date

Approved as to Form by  
M. Gerard Herbage,  
Assistant Lincoln County  
Counsel, via email on  
10.26.2021