

## ANALYSIS

### Item 23: Criminal Justice Commission Prison Rape Elimination Act Standards

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**Analyst:** John Terpening

**Request:** Approve, retroactively, the submission of a federal grant application to the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (BJA) in the amount of up to \$250,000 for a Prison Rape Elimination Act (PREA) grant.

**Analysis:** The BJA has posted the PREA Standards, Protecting People Who are Incarcerated, and Safeguarding Communities grant for fiscal year 2022, with maximum awards of \$250,000. The grants are for projects designed to prevent, detect and respond to sexual abuse and sexual harassment in confinement facilities in order to achieve and maintain compliance with PREA standards. Only five awards are anticipated, with a performance period of two years. Applications were due May 23 and there is a 50% match of cash or in-kind.

The Criminal Justice Commission (CJC) intends to apply for the maximum award on behalf of the Department of Corrections (DOC). If awarded, CJC will pass the grant funds through to DOC, which will utilize the grant funds to pay for additional training for PREA Compliance Managers and Sexual Abuse Response Team Members within DOC facilities. DOC will provide the in-kind matching funds by assigning two permanent staff members to assist with the training.

The legislative interim process for agency's pursuing federal grants includes providing a letter to the Legislative Fiscal Office (LFO) and DAS Chief Financial Office (CFO) at least ten days prior to submitting any federal application; providing LFO and DAS CFO a "notice of intent" followed by a formal letter seeking official authorization at the next Emergency Board to apply for the federal grant. Depending on the timing of the grant, this could be a prospective request or a retroactive request to apply.

CJC has routinely struggled to provide the proper materials within the specified deadlines under the legislative interim federal grant process. Only after repeated intervention from DAS CFO was material properly received for this PREA Standards grant. Going forward, CJC is expected to adhere to the interim process that has been outlined for all state agencies with timely submittal of the proper materials.

**Recommendation:** The Legislative Fiscal Office recommends that the Emergency Board approve the request.

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Criminal Justice Commission  
McDonald

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**Request:** Retroactive authorization to apply for a grant of up to \$250,000 from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (BJA) for the FY 2022 Implementing the PREA Standards, Protecting People Who Are Incarcerated, and Safeguarding Communities grant.

**Recommendation:** Approve the request.

**Discussion:** The Criminal Justice Commission (CJC) seeks retroactive permission to apply for a grant aimed at projects designed to prevent, detect, and respond to sexual abuse and sexual harassment in confinement facilities, and to achieve and maintain compliance with the Prison Rape Elimination Act (PREA) standards. If awarded, CJC will be passing through grant funds to the Department of Corrections (DOC) to carry out grant activities.

The solicitation was posted by BJA on March 16, 2022, and applications are due by May 23, 2022. The period of performance is 24 months, starting on October 1, 2022. The maximum award for state governments is \$250,000 and five awards are anticipated. The solicitation requires a 50 percent cash or in-kind match. If CJC is successful, DOC will contribute matching funds through in-kind staffing expenditures. The Department intends to utilize existing staff to help with training during the grant period and track expenditures to fulfill the match requirement. All DOC facilities must have a PREA Compliance Manager as part of the federal standards. The training would provide DOC's PREA Compliance Managers and Sexual Abuse Response Team members with their responsibilities in responding to sexual abuse and sexual harassment under the federal PREA standards.

CJC provided a 10-day notification to the Legislative Fiscal Office and the Chief Financial Office, when prompted, prior to their grant application. If retroactive authorization is approved and the grant application is successful, CJC will return to seek additional Federal Funds expenditure limitation in accordance with interim guidelines. Similarly, it is anticipated DOC will request Other Funds expenditure limitation in kind for the pass-through grant funds received by CJC.



# Oregon

Kate Brown, Governor

## Criminal Justice Commission

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Executive Director

May 3, 2022

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### COMMISSIONERS

Jerome Brooks, Chair

Jeff Auxier

Jessica Beach

Rob Bovett

Jessica Kampfe

Sen. Floyd Prozanski\*

\*Non-Voting

Dear Co-Chairs:

The Oregon Criminal Justice Commission (CJC) is seeking permission to apply for the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), and Bureau of Justice Assistance (BJA) for FY22 - Implementing the PREA Standards, Protecting People Who Are Incarcerated, and Safeguarding Communities grant.

### Agency Action

CJC will be applying for the maximum award of \$250,000 with a 50% in-kind or cash match over an estimated 24 Month project period. These funds will be passed through to ODOC to carry out grant activities. Match funds will be contributed by ODOC through in-kind match and will not have an impact on their budgeted services and performance measures.

### Emergency Board action

The CJC would like the Emergency Board to grant the agency permission to apply for this federal grant. If awarded, the agency would need a Federal Fund limitation increase of \$250,000. No additional FTE or positions would be required for this grant.

No legislation affected with this request.

Best,

Ken Sanchagrín, Executive Director

Oregon Criminal Justice Commission