

**2019-2021 REQUEST for GRANT PROPOSALS  
APPLICATION INSTRUCTIONS AND REQUIREMENTS**

# **ILLEGAL MARIJUANA MARKET ENFORCEMENT GRANT PROGRAM**

**CRIMINAL JUSTICE COMMISSION  
885 Summer St NE  
Salem, OR 97301**

**RELEASE DATE:  
July 19, 2019**

**APPLICATION DUE DATE:  
August 28, 2019 at 1:00 p.m.**



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# 1. Overview

## Oregon Criminal Justice Commission

The mission of the Oregon Criminal Justice Commission (CJC) is to improve the legitimacy, efficiency, and effectiveness of state and local criminal justice systems. This agency is tasked with developing and maintaining a state criminal justice policy and a comprehensive long-range plan for a coordinated state criminal justice system that encompasses public safety, offender accountability, crime reduction and prevention, and offender treatment and rehabilitation (ORS 137.656).

## The Legal vs. Illegal Marijuana Market in Oregon

In 2014, Oregon voters approved [Measure 91](#), a ballot measure that legalized the recreational use of marijuana under circumstances and in quantities regulated by the Oregon Liquor Control Commission (OLCC).<sup>1</sup> Medical marijuana usage has been regulated in Oregon since its legalization in Oregon in 1988. Measure 91 allowed legal possession of limited quantities of marijuana for adults 21 and older in 2015 and allowed retail sales, via OLCC-licensed retailers, in 2016.

Despite legal avenues for purchases and sales of marijuana within Oregon, an illegal marijuana market continues to cause public-safety concerns, including diversion of marijuana to other states, sales of marijuana to underage buyers, cultivation of marijuana on federal property, and enrichment of organized criminal operations. Additionally, illegal market operations can be highly challenging to investigate and, in some circumstances, even more challenging to prosecute, given the difficulty in drawing empirical distinctions between legal and illegal cultivation and distribution, the industry's cash-heavy operations, and the added problem that some of the counties most impacted by illegal operations have long seen their public safety systems operate while starkly under-resourced.

## Grant Origins

In 2018, the Oregon Legislature passed [Senate Bill \(SB\) 1544](#), which created the Illegal Marijuana Market Enforcement Grant Program (grant program) to assist local law enforcement agencies in their efforts to address the illegal marijuana market in Oregon.<sup>2</sup> The CJC is the administering agency for the grant program discussed herein.

## Grant Guiding Principles

The CJC seeks to administer this grant program with the following guiding principles:

- (1) Adhere to the Legislature's funding four grant funding priorities;
- (2) Improve Oregon's understanding of its illegal marijuana market and the ways in which local law enforcement agencies and prosecutors can best address it;
- (3) Encourage collaboration within and between jurisdictions to address the illegal marijuana market; and
- (4) Track, evaluate, and measure grant-funded program outcomes to improve the program and aid awardees in achieving program success.

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<sup>1</sup> Text of Measure 91. <http://www.oregon.gov/olcc/marijuana/Documents/Measure91.pdf> (2014) (last accessed July 3, 2019).

<sup>2</sup> Oregon Legislature. 79th Assembly, 2018. Senate Committee on Judiciary. SB 1544 §13 <https://olis.leg.state.or.us/liz/2018R1/Downloads/MeasureDocument/SB1544/Enrolled> (last accessed July 3, 2019).

## 2. Availability and Duration of Funding

The Legislature has allocated approximately \$8.25 million in funding to the grant program. These grant funds are to be dispersed in quarterly increments, beginning July 1, 2018, through October 1, 2023, amounting to approximately \$1.35 million, annually. This funding is intended to support local law enforcement agencies and district attorneys' offices in covering costs incurred in investigating and prosecuting illegal marijuana market operations.

This application is a one-time solicitation, offering support for the grant period **beginning July 1, 2019** and **ending June 30, 2021**. Applicants will be required to reapply each grant period.

## 3. Grant Program Goals

### Investigation and Prosecution Priorities

The grant program was established specifically to assist cities and counties with the costs incurred by local law enforcement agencies in addressing unlawful marijuana cultivation or distribution operations.<sup>3</sup> The Legislature mandated four enforcement priorities when awarding funding through this grant program.<sup>4</sup> As defined in [OAR 213-080-0030](#), those four priorities are:

- (a) Rural areas;**
- (b) Large-scale operations;**
- (c) Organized crime; and**
- (d) Diversion of marijuana outside of Oregon.**

### Collaboration and Multi-Jurisdictional Impacts

This grant program is competitive. Applicants are encouraged to collaborate with other agencies and submit a single application that demonstrates the greatest possible impact on the illegal marijuana market in light of the criteria described in [OAR 213-080-0050](#). This goal may be achieved through proposals for regional or multi-jurisdictional teams, provided that one agency serves as the applicant for administration purposes.

### Measuring Impact — Enforcement Operations Data Tracking & Reporting

The CJC is required to submit a report to the Legislature no later than January 1, 2020, detailing the status and effectiveness of this grant program. Accordingly, grant recipients must track data that demonstrates the impact of the grant funding on their enforcement operations. Data that grant recipients may be required to track could include: felony arrests and felony convictions with an illegal-marijuana nexus, assets seized, and illegal marijuana quantities destroyed. Arrests and convictions with an illegal marijuana nexus need not be cannabis-specific crimes but must be crimes committed in furtherance of illegal marijuana market operations. Grant recipients will be required to periodically report grant-funded interdiction, investigation, or prosecution data to the CJC in order to receive funds.

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<sup>3</sup> SB 1544 §13 (1).

<sup>4</sup> SB 1544 §13 (5)(a-d).

## 4. Eligible Applications

### Units of Local Government

Eligible applicants include units of local government, such as cities and counties, and agencies organized under statute, and city or county charter. Cities and counties may apply on behalf of agencies or organizations within their boundaries. Cities and counties who have opted out of recreational marijuana sales may also apply.

## 5. Allowable Uses for Award Funds

### Allowable Uses

Funding distributed to grant recipients must be spent on costs associated with addressing and prosecuting unlawful marijuana cultivation or distribution operations. Grant program costs may include, but are not limited to, the following:

- Hiring dedicated positions or funding overtime costs necessary to investigate and prosecute illegal marijuana market cases;
- Hiring financial analysts or forensic accountants to investigate illegal marijuana market assets and finances;
- Funding attendance at trainings specifically tailored to the program goals of the grant program and that will improve the applicant's ability to address the illegal marijuana market, including travel costs within state and federal travel provisions; or
- Funding specialized equipment or supplies to support illegal marijuana interdiction efforts.
- A maximum of 10 percent of the grant award may be used to cover administrative costs.

### Prohibited Uses

Grant program funding may not be used for any of the following purposes:

- Purchasing weapons, ammunition, and related equipment normally and routinely provided by the locality;
- Purchasing standard clothing and uniforms normally and routinely provided by the agency;
- Land acquisition;
- Supporting unrelated, existing law enforcement costs;
- Lobbying or political activities, including political contributions;
- Salary bonuses;
- Providing awards for case tips or leads;
- Purchasing vehicles normally and routinely provided by the locality to others in the same roles; or
- Other unallowable expenses as identified in [CJC's Grant Management Handbook](#).

## 6. Application Contents

Applications for this grant program must include the following components:

### A. Cover Sheet

*Please include the following in your online application:*

- Primary applicant contact information and grant participant information

- Fiscal contact information
- Indication of ACH/direct deposit preference

## B. Program Narrative

*Applicants are required to provide information on the following issues in the online application:*

### 1. Grant Program Description

- *Local Illegal Marijuana Market Problem Description*
  - Describe the illegal marijuana market problem as it is understood locally. The following elements should be considered:
    - ★ Geographic, economic, and/or social conditions that contribute to illegal marijuana cultivation and distribution operations in your jurisdiction and/or regionally;
    - ★ Any criminal activity associated with the illegal marijuana market;
    - ★ Barriers to investigation or prosecution of illegal marijuana operations; and
    - ★ Any relationship between the legal (recreational and/or medicinal) and illegal marijuana market, to extent known.
  - Describe existing marijuana interdiction, investigation, and prosecution priorities.
  - Describe how grant funds will add capacity to and improve the efficacy of local illegal marijuana market interdiction operations.
- *Program's Adherence to Legislature's Four Priorities*
  - Describe how the proposed program will meet the four funding priorities of the grant program (marijuana cultivation and distribution operations in rural areas; large-scale operations; organized crime; and diversion outside of the state).
- *Data/Metrics Tracking*
  - Describe the methods and means for collecting data on grant-funded operations, including: illegal marijuana market-related felony arrests, asset forfeitures, and felony prosecutions, and any additional information useful to demonstrate local efficacy of grant funds.

### 2. Detailed Funding Request Information

- Describe funding needs for the following categories: personnel, contractual/consultant services, equipment, supplies, travel/training, rent/utilities, administrative, and other.
- Prioritize categories in order of highest to lowest funding needs.

### 3. Grant Operations

- *Law Enforcement Collaboration Efforts* – describe how grant funds will support law enforcement working together to combat illegal marijuana market operations.
- *Reporting Responsibilities* – identify the individual(s) responsible for reporting financial and data information to CJC during the grant period.

### C. Proposed First-Year Budget Worksheet

Applicants must prepare a proposed grant budget spanning the first-year of funding – July 1, 2019 to June 30, 2020. The budget should show an estimated **monthly** breakdown of costs. Applicants awarded grant funds will be required to revise their first-year budget estimate prior to first disbursement of funds and submit a second budget estimate for their second year of funding in 2020.

### D. Optional Supporting Documentation

Applicants are encouraged (but not required) to include a letter of support from a local governing body (such as a county commission) or local public safety coordinating council. Joint letters of support are encouraged if the application is multi-jurisdictional (i.e., more than one county). Applicants are also welcome to submit up to two documents, in addition to the optional letter of support, to support their applications with additional information. Examples may include local reports or data, or news articles.

## 7. How to Apply

### Application Website and Deadline

Applications must be submitted online through the CJC's grant administration website at:

<https://cjc-grants.smapply.io/>

**Applications are due by 1:00 p.m. on Wednesday, August 28, 2019.** Late applications will not be accepted. Applicants are permitted and encouraged to call CJC staff with questions about how to use the grant website.

### Estimated Grant Application Timetable

July 18, 2019	Request for Grant Proposals (RFGP) Opens
August 28, 2019	RFGP Closes: Application Deadline 1 pm
Mid-October	Commission Awards
Week of October 28, 2019	Intent to Award Letters
November	Grant Award Letters/Agreements

## 8. Application Review and Award Decisions

### A. Review Process

All applications that meet eligibility requirements and include all required materials will be provided to the Advisory Review Committee for review and evaluation based on the following criteria:

#### 1. Program Narrative

- Comprehensiveness of the applicant's description of local problems and priorities.
- Program commitment to the Legislature's four funding priorities (rural areas; large-scale operations; organized crime; and diversion of marijuana outside of the state).

## 2. Detailed Funding Request Information

- Completeness of all requested information for funding requests.

## 3. Collaborative Efforts

- Comprehensiveness of description of collaborative investigation and prosecution of cases within a jurisdiction or across multiple jurisdictions.

## 4. First-Year Budget and Data Tracking Plan

- Completeness of proposed first-year grant budget with estimation of monthly costs and thoroughness of plan for tracking program data.

## B. Award Decisions

Upon review of the applications, the Advisory Review Committee will formulate recommendations. CJC staff will present the Advisory Review Committee's recommendations to the Board of Commissioners, who will ultimately make award decisions. Once the Commissioners have made funding decisions, the CJC will issue Intent to Award Notices, Award Letters, and Grant Award Agreements to awardees. Commissioners are expected to make award decisions made at its meeting on or about October 16, 2019. Commissioners may approve an application in whole or in part.

## C. Award Protests

If an application is not awarded after efforts to revise the application or for any other reason, the applicant may protest the decision. The affected applicant shall have seven calendar days from the date of the intent to award notice to file a written protest. An applicant is considered affected only if the applicant would be eligible for the award in the event that the protest is successful, and the applicant is protesting for one or more of the following reasons as specified in ORS 279B.410.

Protests must be delivered to the CJC via email or hard copy; reference the RFGP name; identify applicant's name and contact information; be signed by an authorized representative(s); specify the grounds for the protest; and be received within seven calendar days of the intent to award notice. CJC will address all timely submitted protests within 30 days and issue a written decision to any respective applicants. The CJC will not consider protests that do not include the required information.

## 9. Award Conditions

Counties receiving awards must agree to the grant award terms and conditions. CJC may negotiate the terms of the grant award agreement. In the event that mutually agreeable terms cannot be reached within a reasonable time, as judged by CJC staff, the Commission reserves the right to cancel the award to the applicant.

Prior to award acceptance, applications covering multi-jurisdictional efforts must submit a Memorandum of Understanding (MOU). The MOU must identify the parties involved, specify a fiscal agent, describe how funds will be distributed to each jurisdiction, and briefly explain the purposes for which the funds will be used by each jurisdiction.



## 10. Monitoring and Reporting

CJC will monitor whether grantees are operating their programs as described in their approved applications, in addition to program performance and progress toward the program performance objectives. Grantees will be required to submit monthly financial reports and periodic data reports through the CJC's grant administration website at <https://cjc-grants.smapply.io/>. Performance progress will be measured by way of submitted data and program explanations.

In addition to assisting CJC in monitoring grantee programs, progress reports may be used by CJC to assist other agencies undertaking similar programs, to justify continued funding, and to provide information to stakeholders, including the Governor's Office and the Legislature.

## 11. Grant Suspension or Termination

Following reasonable notice to grantees and attempts to resolve problems informally, CJC may suspend funding in whole or in part, terminate funding, or impose another sanction for any of the following reasons:

- Failure of the program to comply substantially with the requirements or statutory objectives of the grant program guidelines issued hereunder, or other provisions of state law.
- Failure of the grant program to make satisfactory progress toward the approved goals and objectives.
- Failure of the grant program to adhere to the requirements of the grant award and standard or special conditions.
- Proposing or implementing substantial changes that result in a program that would not have been selected if it had been subjected to the original review of applications.
- Failure of the grant program to comply substantially with any other applicable federal or state statute, regulation, or guideline.

It is the role for the CJC to ensure that the funds, as awarded, comply with the state and local statutes and rules. CJC reserves all rights regarding this grant program, including but without limitation, the right to:

- Amend or cancel this grant program without liability if it is in the public's interest to do so;
- Reject any and all applications upon finding that it is in the public's interest to do so;
- Waive any minor irregularity, informality, or non-conformance with the provisions or procedures of this opportunity;
- Reject any applications that fail to substantially comply with all prescribed solicitation procedures and requirements;
- Amend at CJC's sole discretion, any agreements that are a result of this grant program;
- Accept applications in whole or in part. CJC is under no obligation to do so, but at its discretion may request additional information or clarification from applicants for the purposes of assuring a complete understanding of the applications and supporting an accurate review, evaluation and comparison;
- Require applications be modified if it is found to be in the public's interest;
- Extend any agreement resulting from this grant program without an additional solicitation process;
- Modify the type of agreement vehicle employed, based on what the CJC deems appropriate to the type of work for which funds may be awarded, if it is in the public's interest to do so.

## 12. Contact Information for Technical Assistance and Questions

For questions concerning the grant program or application, please contact Bridget Budbill, CJC Program Analyst, at 503-373-7511 or at [bridget.budbill@oregon.gov](mailto:bridget.budbill@oregon.gov).