

DIVISION 60**JUSTICE REINVESTMENT PROGRAM****213-060-0010****Authority**

These rules are promulgated pursuant to Sections 52 to 56, Chapter 649, 2013 Oregon Laws (Enrolled House Bill 3194).

Stat. Auth.: 2013 c.649 §§ 52-56

Stats. Implemented: 2013 c.649 §§ 52-56

213-060-0020**Purpose**

The purpose of these rules is to administer the Justice Reinvestment Program established by Sections 52 to 56, Chapter 649, 2013 Oregon Laws.

Stat. Auth.: 2013 c.649 §§ 52-56

Stats. Implemented: 2013 c.649 §§ 52-56

213-060-0030**Definitions**

As used in OAR 213-060-0010 to 213-060-0140, unless the context indicates otherwise:

- (1) "Commission" means the Oregon Criminal Justice Commission.
- (2) "Community-based programs" includes:
 - (a) Work release programs;
 - (b) Structured, transitional leave programs;
 - (c) Evidence-based programs designed to reduce recidivism that include the balanced administration of sanctions, supervision and treatment;
 - (d) Administering a reentry court under Section 29, Chapter 649, 2013 Oregon Laws;
 - (e) Specialty courts aimed at medium-risk and high-risk offenders; and
 - (f) Evidence-based policing strategies.
- (3) "County" includes a regional collection of counties.
- (4) "Grant Review Committee" means the Justice Reinvestment Grant Review Committee established under Section 53, Chapter 649, 2013 Oregon Laws.
- (5) "Program" means a program that is cost-effective as defined in ORS 182.515(2) that is an evidence based program as defined in ORS 182.515(3), that is a program as defined in ORS 182.515(4), and that utilizes scientifically based research as defined in ORS 182.515(5).
- (6) "Recidivism" has the meaning provided in ORS 423.557(1)(a).
- (7) "Trauma informed services" means providing the foundation for a basic understanding of the psychological, neurological, biological, and social impact that trauma and violence have on individuals, while incorporating proven practices into current operations to deliver services that acknowledge the role that violence and victimization play in their lives.

Stat. Auth.: 2013 c.649 §§ 52-56

Stats. Implemented: 2013 c.649 §§ 52-56

213-060-0050**Grant Applications**

(1) The grant application cycle will be determined by the Commission. At the beginning of each grant application cycle, the Commission will determine the proportion of grant funds available to each county in accordance with the formula used to distribute baseline funding under ORS 423.483. The Commission will include those amounts in its grant application solicitation. Each qualifying county pursuant to criteria in subsection 213-060-0060 shall receive a grant award of no less than \$100,000 per grant application cycle.

(2) Each county may submit only one application for a justice reinvestment grant to fund one or more community-based programs. The application must be submitted by the local public safety coordinating council and include proof of approval by the county governing body.

(3) The county may use up to 10 percent of the funds payable under the justice reinvestment grant for administrative costs, including activities such as purchasing, budgeting, payroll, accounting, staff services, and other costs as deemed appropriate by the Commission. Administrative costs may also include funds to incentivize compliance by law enforcement agencies with completing Uniform Crime Reporting and other timely law enforcement data collection activities.

(4) The Commission may communicate directly with an applicant to clarify the intent of its application or to recommend modifications in furtherance of the purpose of the Justice Reinvestment Program.

(5) The Commission may, in its sole discretion, waive solicitation requirements or cancel any solicitation in whole or in part if it deems such action to be in the best interests of the Justice Reinvestment Program.

(6) Within ~~60~~ 90 days following the expiration of the grant application deadline, the Commission shall make award notifications to counties in accordance with these rules. If there are extenuating circumstances, the Commission may, in its sole discretion, extend the deadline for award notification.

(7) If unallocated funds remain at the conclusion of the grant acceptance period, the Commission shall distribute all remaining funds in the manner provided in OAR 213-060-0080.

Stat. Auth.: 2013 c.649 §§ 52-56

Stats. Implemented: 2013 c.649 §§ 52-56

213-060-0060**Grant Application Review Criteria**

~~(1) Grant applicants shall provide proposed outcome measures that will assist the Commission in assessing the efficacy of individual programs. Outcomes should be specific, measurable, achievable, realistic and timely.~~

The Grant Review Committee and the Commission will review and evaluate each grant application based on the following ~~additional~~ criteria:

(1) Whether the applicant's program is designed to reduce recidivism of offenders.

(2) Whether the applicant's program is designed to reduce utilization of prison capacity by offenders convicted of felonies described in ORS 137.717, 475.752 to 475.935, 811.182, 813.010, or 813.011.

(3) Whether the applicant's program would increase public safety. ~~As part of evaluating a program that purports to increase public safety, factors that may be considered include, but are not limited to:~~

~~(A) Whether law enforcement agencies operating within the county timely submit uniform crime report data to the Oregon State Police on a quarterly basis, so that public safety can be measured.~~

~~(B) Whether the application contains a statement regarding total operable county jail capacity, what percentage of that capacity is being used at the end of each quarter, and how many persons were forced released during the prior quarter, so that capacity and pressure on the local jail can be evaluated.~~

~~(C) Whether the county regularly analyzes system data and participates in Regional Implementation Council meetings presented by the Commission.~~

~~(D) Whether the local public safety coordinating council meets on a regular basis with all statutorily required positions filled and reports as required by statute.~~

~~(E) Whether programs will collect demographic information regarding the populations that were served.~~

~~(F) Whether the programs operate in a culturally competent manner.~~

(4) Whether the applicant's program would hold offenders accountable. ~~Factors that may be considered include, but are not limited to, whether the applicant's program would track successful completion of:~~

~~(A) Restitution.~~

~~(B) Probation.~~

~~(C) Treatment.~~

~~(D) Community service.~~

~~(e) Whether the county will evaluate its programs for increased costs to local governments resulting from the passage of 2013 Oregon laws chapter 649.~~

(5f) For purposes of evaluating the portion of the grant to be distributed to community-based nonprofit organizations that provide services to victims of crime, whether the grant application illustrates how use of funds will positively impact victims. The Grant Review Committee and the Commission will review and evaluate each grant application based on the following criteria:

(a) Demonstrated need for the proposed services in the community to be served by the applicant with emphasis on services that target marginalized, underserved populations.

(b) Services address access barriers, such as but not limited to: language, literacy, disability, cultural practices and transportation issues.

(c) Funding increases capacity for areas where services are difficult to access, limited or non-existent.

(d) Demonstration that the award will be invested in trauma-informed services.

(e) Data collection, including but not limited to, demographic information of victims served.

(5g) Other criteria that the Commission chooses to include in the solicitation.

Stat. Auth.: 2013 c.649 §§ 52-56

Stats. Implemented: 2013 c.649 §§ 52-56

213-060-0070

Grant Application Processing

(1) Commission staff will evaluate each county's application based on the criteria provided in OAR 213-060-0060, and will make recommendations to the Grant Review Committee. If the recommendation by staff to the Grant Review Committee would be to not fund the grant proposal, the Commission staff shall first work with applicant to attempt to rehabilitate the application.

(2) The Grant Review Committee will review each county's grant application and the recommendations of Commission staff, and notify the Commission regarding which applications it has approved. The Grant Review Committee may reject portions of the application that fail to meet the criteria set forth in OAR 213-060-0060. Approval by the Grant Review Committee is subject to final approval by the Commission.

(3) The Commission will review and evaluate the approvals of the Grant Review Committee, and provide a final approval or denial, in whole or in part. The Commission will notify applicants of the decision of the Commission within 60 days from the expiration of the grant application deadline. If there are extenuating circumstances, the Commission may, in its sole discretion, extend the deadline for award notification. The Commission will prepare a grant award agreement for each grant awarded, which will set forth the terms, conditions, and requirements of the grant. The Commission may issue a provisional one year award with continued funding contingent upon improved performance and progress toward the goals of justice reinvestment as set forth in OAR 213-060-0060.

(4) The Commission may amend a grant awarded under this rule. After the grant is awarded the Commission may amend the amount originally awarded based on non-compliance with the terms of the award. If the recommendation by staff to the Commission would be not to continue to fund the grant proposal, the Commission staff shall first work with applicant to attempt to rehabilitate the application.

Stat. Auth.: 2013 c.649 §§ 52-56

Stats. Implemented: 2013 c.649 §§ 52-56

213-060-0080

Supplemental Grant Period

If unallocated funds remain at the conclusion of the grant acceptance period or become available during the biennium, ~~and~~ the Commission shall ~~decides to~~ establish a supplemental grant period to distribute some or all of those unallocated funds. ~~†~~The Commission may:

(1) Use those funds to supplement and expand the scope of one or more grant programs that were awarded, without the need for further grant solicitation, but using the criteria provided in OAR 213-060-0060.

(2) Issue a supplemental competitive grant application solicitation, and allow counties to submit applications, using the criteria and process provided in OAR 213-060-0050 through OAR 213-060-0070.

Stat. Auth.: 2013 c.649 §§ 52-56

Stats. Implemented: 2013 c.649 §§ 52-56

213-060-0095

Community Based Victim Services Advisory Panel

(1) The Commission may appoint a Community Based Victim Services Advisory Panel, consisting of up to 9 members, taking into account regional representation, knowledge in the delivery of victim services, and diversity of experience in types of victim services.

(2) If the Commission appoints a panel as described in this section, the panel shall review each application for the grant criteria specified in OAR 213-060-0060(5f), and make recommendations to the Commission staff.

Stat. Auth.: 2013 c.649 §§ 52-56

Stats. Implemented: 2013 c.649 §§ 52-56

213-060-0130

Evaluating Efficacy; Termination; Report to Legislature

(1)(a) Each program that is funded will be evaluated by the Commission on a quarterly basis, based on the county's performance and progress towards the goals of Justice Reinvestment proposed outcome measures as outlined in OAR 213-060-0060 provided in the grant application and grant award agreement that reflects the goals of the programs funded.

(b) A county that is not achieving criteria as outlined in OAR 213-060-0060 will be given notice and an opportunity to improve performance. The Commission may terminate the county's grant award if the county has not satisfactorily improved performance.

(2) The Commission will report the results of the evaluation conducted under this rule to a committee of the Legislative Assembly related to the judiciary.

Stat. Auth.: 2013 c.649 §§ 52-56

Stats. Implemented: 2013 c.649 §§ 52-56

213-060-0140

Outcome Evaluations of Programs Funded

(1) The Commission may choose one or more Justice Reinvestment grants for a randomized controlled trial or other outcome evaluation. Counties selected for a randomized controlled trial or other outcome evaluation shall partner with the Commission in order to successfully complete the evaluation of their program.

(2) Up to Fthree percent of the total amount of Justice Reinvestment Grant funds may shall be used to help fund support randomized controlled trials or outcome evaluations for grant awards selected for such evaluations. Subject to approval by the Commission, the funds may also be used to offset any increased costs to the county associated with undergoing a randomized controlled trial or other outcome evaluation.

(3) A county selected for a randomized controlled trial or other outcome evaluation shall contract with the Commission, or an entity approved by the Commission, to conduct such randomized controlled trial or other outcome evaluation.

(4) Any randomized controlled trial or other outcome evaluation funds not allocated or budgeted by July 1 of an even-numbered year shall be dispersed back to the counties participating in the Justice Reinvestment Grant Program according to the formula provided in ORS 423.483.

(5) A program selected for randomized controlled trial or other outcome evaluation shall have preference to be funded in future grant application cycles so long as study participants are still in the program.

(6) The Commission will report the results of evaluations conducted under this rule to a committee of the Legislative Assembly related to the judiciary and the Office of the Governor, and will post the report on the Commission's website.

(7) In choosing programs for randomized controlled trials or other outcome evaluations, the Commission will consider the following factors:

(a) The proposed program is promising and has the capability of being reproduced in other counties.

(b) The proposed program is capable of being evaluated through randomized controlled trials when taking into account sample size and other practical requirements.

(c) The proposed randomized controlled trial will meet the requirements of the institutional review board process.

(d) Studying the program will benefit the State and more broadly the field of criminal justice by adding to the body of knowledge currently available.

Stat. Auth.: 2013 c.649 §§ 52-56

Stats. Implemented: 2013 c.649 §§ 52-56