

**2018-2019 REQUEST for GRANT PROPOSALS (RFGP)
APPLICATION INSTRUCTIONS AND REQUIREMENTS**

ILLEGAL MARIJUANA MARKET ENFORCEMENT GRANT PROGRAM

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

**RELEASE DATE:
June 22, 2018**

**ONLINE APPLICATION OPENING DATE:
June 29, 2018**

**ONLINE APPLICATION DUE DATE:
August 17, 2018**



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1. Overview

Oregon Criminal Justice Commission

The Oregon Criminal Justice Commission (CJC) 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.¹

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).² Measure 91 permitted legal possession of limited quantities of marijuana for adults 21 and older in 2015 and allowed retail sales, via OLCC-licensed retailers, in 2016. Medical marijuana usage has been regulated in Oregon since its legalization in 1998.

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 lands, and the enrichment of organized criminal operations. Illegal market operations are also challenging to address, given the difficulty in drawing empirical distinctions between legal and illegal cultivation and distribution, the industry's cash-driven operations, and the added layer that some of the counties most impacted by illegal marijuana operations have long suffered from starkly under-resourced public safety systems.

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.³ 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) Meeting the Legislature's four funding priority elements;
- (2) Improving Oregon's understanding of its illegal marijuana market and the ways in which the state and local law enforcement agencies and prosecutors can best address it;
- (3) Encouraging collaboration within and between jurisdictions to address the illegal marijuana market; and
- (4) Tracking, measuring, and evaluating grant-funded program outcomes to improve the program and aid awardees in achieving program success.

¹ ORS 137.656(2).

² Text of Measure 91. <http://www.oregon.gov/olcc/marijuana/Documents/Measure91.pdf> (2014).

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

2. Availability and Duration of Funding

This is a one-time solicitation, offering support for a maximum period of 12 months beginning July 1, 2018 and ending June 30, 2019. Applicants awarded may begin charging expenditures to the grant award beginning July 1, 2018.

The 2018 Oregon State Legislature allocated \$1.5 million to the Illegal Marijuana Market Enforcement Grant Program for payments to units of local government. All awards are subject to the availability of appropriated funds and to any modifications or additional requirements that may be imposed by law.

3. Grant Program Goals

Investigation and Prosecution Priorities

The grant program was established to assist units of local government with the costs incurred by local law enforcement agencies and district attorneys' offices in addressing unlawful marijuana cultivation or distribution operations.⁴ The Legislature mandated that the CJC prioritize four elements when awarding funding.⁵ Those four priority elements are:

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

Collaboration and Multi-Jurisdictional Impacts

Because the grant program is competitive, applicants are strongly 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 this solicitation and in [OAR 213-080-0050](#).⁶ This goal may be achieved through proposals for multi-jurisdictional teams (such as regional task forces), by way of combining efforts of multiple law enforcement agencies and/or district attorneys' offices, provided that one locality serves as the sole applicant for grant administration purposes. Applications for regional or multi-jurisdictional teams must include written consent to participate from the chief officer, or equivalent, of each office or agency included.

Measuring Impact

Applicants must track data that demonstrates the impact of the grant funding on their enforcement operations. Additionally, given the nature of the illegal market, applicants must also describe the level of enforcement operations that exist at the time of applying for the grant to establish a relative "enforcement baseline" from which to demonstrate improvement.

⁴ SB 1544 §13 (1).

⁵ SB 1544 §13 (5)(a-d).

⁶ Or. Admin. R. 213-080-0050 (2018).

4. Eligible Applications

Units of Local Government

Eligible applicants include units of local government. Units of local government that have opted out of recreational marijuana sales are eligible to apply for this grant program.

5. Allowable Uses for Award Funds

Allowable Uses

Funds distributed to grant recipients must be spent on costs associated with addressing and prosecuting unlawful marijuana cultivation or distribution operations. Grant program funding may be used for, but is not limited to, the following:

- Hiring law enforcement officers to investigate illegal marijuana market cases;
- Hiring deputy district attorneys to work on illegal marijuana-specific caseloads;
- Hiring forensic accountants or other accounting specialists to assist in the investigation and prosecution of illegal marijuana market assets and finances;
- Combining grant program funding with other available funding to support greater investment in grant program goals; and
- 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 reasonable travel costs;
- Up to 10 percent of grant funding may be used to cover grant program administrative costs.

Prohibited Uses

Funds distributed to grant recipients may *not* be used for the following:

- Covering unrelated, existing law enforcement costs;
- Standard weapons, ammunition, and related equipment normally and routinely provided by the locality;
- Standard clothing and uniforms normally and routinely provided by the locality;
- Standard vehicles normally and routinely provided by the locality to others in the same roles; or
- Land acquisition;
- Lobbying or political activities, including political contributions;
- Salary bonuses;
- Other unallowable expenses as identified in the [CJC's Grant Management Handbook](#).⁷

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
- Fiscal contact information
- Indication of ACH/direct deposit preference
- Payment remittance address for the program

⁷ CJC Grants Management Handbook, available at <https://www.oregon.gov/cjc/grants/Documents/2018CJCGrantsManagementHandbook.pdf> (2018).

B. Program Narrative

Please describe the following in your online application:

1. Program Description

- *Existing Enforcement Baseline* – describe the current baseline for illegal marijuana market enforcement operations, including a general “snapshot” of the illegal market as it is understood locally, and related enforcement data and metrics, such as number of investigations and/or interdictions, arrests, seizures of products or assets, prosecuted cases and case dispositions (such as convictions, dismissals, etc.). 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;
 - Criminal activity associated with the illegal marijuana market, including but not limited to violent crime, person and/or property crime, human and/or labor trafficking, and financial criminal activity, such as money laundering or identity theft, as well as whether and to what extent illegal marijuana criminal organizations operate, the quantities they cultivate and/or distribute, approximate monetary value of operations, and distribution methods, as well as interstate or international ties;
 - Barriers to investigation or prosecution of illegal marijuana operations at present; and
 - Any relationship between the legal and illegal marijuana market, to the extent known.
- *Program’s Satisfaction of Legislature’s Award Priority Elements* – describe the program for which funding is requested, including:
 - Program goals and objectives for investigations and prosecutions,
 - How the program will meet the four award priority elements of the grant (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:
 - Enforcement data and metrics (such as arrests, asset seizures, or prosecutions) to be tracked locally and how it will be used to evaluate program progress and/or set enforcement priorities.

2. Local Grant Administration

- *Local Administrative Operations* – describe local management of the grant program, including:
 - The organization charged with oversight of the program’s local operations, budgeting, data tracking and evaluation, and grant reporting to the CJC;
 - A proposed timeline covering how the applicant will launch the program locally and how program success will be evaluated over time.
 - If the application covers more than one jurisdiction, please explain how grant management will operate collaboratively based on the above criterion. Establishing a multi-jurisdictional grant management team, with a point-of-contact for each jurisdiction, is encouraged.

3. Collaborative Efforts

- *Inter- or Multi-Jurisdictional Collaboration* – describe how law enforcement, district attorneys, and/or other entities within the same jurisdiction or across jurisdictions will work together to implement the program, including:
 - How the program will operate between agencies and/or offices, and how those efforts will be supported by grant funding;
 - How law enforcement and district attorneys will prioritize enforcement operations that meet the Legislature’s funding award priority elements and grant goals; and
 - How data/metrics will be tracked and shared within and/or between jurisdictions.

C. Proposed Budget Worksheet

Applicants must prepare a budget spanning July 1, 2018 to June 30, 2019. The budget should clearly show a breakdown of costs in the following categories:

- Personnel, fringe, contractual/consultant services, supplies, travel/training, equipment, rent/utilities, evaluation, and administrative.

Administrative costs may include activities such as purchasing, budgeting, payroll, accounting, staff services, and costs associated with improving data tracking activities. Use only whole numbers when completing the budget. Decimals will not be accepted by the grant-application software system.

7. How to Apply

A. 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 5:00 p.m. on August 15, 2018.** Late applications will not be accepted.

B. Estimated Award Decision Timeline

The CJC Board of Commissioners aims to have award decisions made by mid-September 2018. Applicants will be notified promptly regarding award decisions. The CJC anticipates that first-quarter funding will be released in October 2018.

8. Application Review and Award Decisions

A. Review Criterion

All applications responsive to the guidelines will be provided to an Advisory Review Panel for evaluation based on the following criteria:

1. Applicant's ability to meet all four of the Legislature's funding award priority elements (rural areas; large-scale operations; organized crime; and diversion of marijuana outside of the state);
2. Scope or extent of the local illegal marijuana market problem in the applicant's jurisdiction(s);
3. Extent of applicant's commitment to collaborate with other law enforcement agencies and district attorneys' offices on the investigation and prosecution of illegal marijuana operations that meet the four priority elements in their jurisdiction or across jurisdictions;
4. Total funding requested compared to the program's capacity, such as the total geographic area addressed by the program or the number of agencies and/or offices collaborating;
5. Applicant's commitment to tracking and sharing data and metrics on grant-funded program activities.

B. Award Decisions

The Advisory Review Panel will recommend approved applications to the Criminal Justice Commissioners for award decisions. The Commissioners may approve an application in-whole or in-part, and the Commissioners may consider additional factors (such as geographical distribution) in making 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.

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 grant solicitation by 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. The 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

Units of local government receiving awards must agree to the grant award terms and conditions. The 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 the CJC, the Commission reserves the right to cancel the award to the applicant.

Prior to Award Acceptance, inter- or multi-jurisdictional collaborative efforts will be required to submit a Memorandum of Understanding (MOU). The MOU must identify the fiscal agent, specify the award distribution to each jurisdiction participating, and the purposes for which the funds will be used.

Following reasonable notice to grantees and attempts to resolve problems informally, the 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 guidelines issued hereunder, or with other provisions of state law;
- Failure of the program to make satisfactory progress toward the approved goals and objectives;
- Failure of the 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; and
- Failure of the program to comply substantially with any other applicable state statute, regulation, or guideline.

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

- Amend or cancel this opportunity 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 nonconformance 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 the CJC's sole discretion, any agreements that are a result of this opportunity;
- Engage other grantees or contractors by selection or procurement independent of this opportunity process and/or any contracts/agreements under it;
- Accept applications in whole or in part. The 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 their applications and supporting an accurate review, evaluation, and comparison;
- Require applications to be modified if it is found to be in the public's interest;
- Extend any agreement resulting from this opportunity without an additional solicitation process; and
- 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.

10. Monitoring and Reporting

The CJC will monitor whether grantees are operating 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 quarterly reports and complete semi-annual progress

reports, including program expenditures, through the CJC's grant administration website at <https://cjc-grants.smapply.io>.

11. Grant Suspension or Termination

Following reasonable notice to grantees and attempts to resolve problems informally, the 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 program to make satisfactory progress toward the approved goals and objectives.
- Failure of the 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 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. The 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 the CJC's sole discretion, any agreements that are a result of this grant program;
- Accept applications in whole or in part. The 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.

Illegal Marijuana Market Enforcement Grant Program

Application Checklist

☐ Cover Sheet

- Primary applicant contact information
- Fiscal contact information
- Indication of ACH/direct deposit preference
- Payment remittance address for the program

☐ Program Narrative

Program Description

- Existing Enforcement Baseline
- Program's Satisfaction of Legislature's Priority Elements
- Data/Metrics Tracking

Local Grant Administration

- Local Administrative Operations

Collaborative Efforts (if applicable)

- Inter-or Multi-Jurisdictional Collaboration

☐ Proposed Budget Worksheet

Breakdown of costs in these categories:

- Personnel, fringe, contractual/consultant services, supplies, travel/training, equipment, rent/utilities, evaluation, and administrative
 - ➔ Use only **whole numbers** when completing the budget. Decimals will not be accepted by the grant-application software system

Application Website and Deadline

☐ Where to Apply: <https://cjc-grants.smapply.io>

☐ Deadline: 5:00 p.m. on August 15, 2018

➔ *Late applications will not be accepted*