



# Oregon

Kate Brown, Governor

## Criminal Justice Commission

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Ken Sanchagrin  
Executive Director

25 February 2021

The Honorable Janelle Bynum, Chair  
The Honorable Ron Noble, Vice Chair  
The Honorable Karin Power, Vice Chair  
House Committee on Judiciary

### COMMISSIONERS:

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RE: House Bill 2002

Chair Bynum and members of the committee, I am Ken Sanchagrin, Executive Director of the Oregon Criminal Justice Commission (CJC). I am providing this testimony to share information concerning HB 2002, with a specific focus on Sections 44 through 48 of the bill as introduced. I have been in contact with the drafters of the bill and shared the same concerns I express below. Pursuant to these conversations it appears that there may be some opportunities to amend certain aspects of these sections.

In brief, Sections 44 through 48 of HB 2002 propose several changes to the Justice Reinvestment Program (JRI) administered by CJC, as well several changes related to data collection and reporting to be undertaken by the CJC in the future.

### SECTION 44

Within Section 44, HB 2002 proposes awarding 20 percent of JRI funds to culturally specific organizations through the use of a fiscal agent, who would oversee the awarding and distribution of this funding to qualifying local community-based groups. The selection of the fiscal agent would be the responsibility of an advisory committee currently constituted under ORS 137.658(3) and the fiscal agent would be entitled to up to 25 percent administrative costs to support their efforts.

The changes proposed in Section 44 would represent a significant shift in funds currently utilized for JRI (approximately \$8.2M) away from programming that has resulted in significant reductions in prison utilization within the state. While other programming would take its place, the interruption of current offerings could lead to negative impacts on prison use in the short and medium term. Further, if the full administrative cost rate described in HB 2002 is utilized, there would be a shift of approximately \$1.2M away from programming to administrative functions of the fiscal agent, which would thus deprive current and future JRI clients of valuable services currently provided by the JRI Program.

The drafters of HB 2002 have informed me that the 25 percent administrative cost amount was a drafting error and that the intended administrative cost amount should be 3 to 5 percent. This would result in administrative costs for the fiscal agent totaling approximately \$246,000 to \$410,000, which would still represent an increase in costs used to administer JRI grants and a reduction in funds for programming. Given that CJC already



administers the JRI Program, it is our concern that increased administrative support will result in the loss of programming for JRI clients. Further, with the transfer of funding and grant making authority to a fiscal agent, CJC is concerned with the ability to adequately oversee the awarding and management of these funds, as this falls outside of our normal structure that is overseen by a statutorily constituted Grant Review Committee with final approval by our Commission, both of which are subject to public meeting rules and standards.

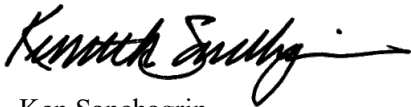
#### **SECTIONS 45 through 48**

In Sections 45 through 48, HB 2002 proposes requiring the CJC to collect and report on a variety of data points concerning the use of JRI funds as well as outcomes garnered by JRI funds. The CJC is concerned that it will be unable to meet several of the requirements of this section, as it relies on data that is not currently collected either by CJC or its grantees. Specifically, at present, the CJC lacks data on both the gender identity and sexual orientation of JRI clients. While the CJC has no objection to analyzing data from these historically marginalized groups to ensure that JRI grant funds are equitably applied, our concern is that the collection of this data, without significant training for individuals collecting these data points and safeguards for clients, could result in marginalization or trauma for the individuals responding to these questions.

In addition, CJC is concerned with the reporting schedule proposed in these sections, as the reporting deadlines will require CJC to file reports before sufficient data will be able to be collected. For instance, HB 2002 mandates that CJC report on several programming metrics by January 1, 2002. In past funding cycles, however, it has been common for JRI funding to begin to flow to grantees by November and December in the year in which funding decisions are made. As such, our initial report will be due at almost the exact same time that funds are first received by grantees, which will make it impossible for CJC to gather data on clients and programming as required.

For the reasons explained in this letter, CJC respectfully requests the sections above to be amended and for the drafters and proponents to engage with CJC to continue to address our concerns with this bill. Thank you for your time and consideration. I would be happy to answer and questions you may have or provide any additional detail or clarification you require.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Sanchagrin", with a long horizontal flourish extending to the right.

Ken Sanchagrin