



**U.S. Department of Justice**

Office of Justice Programs

*Bureau of Justice Assistance*

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Office of the Director

*Washington, D.C. 20531*

Ms. Shannon Sivell  
Oregon Department of Justice  
1162 Court Street, NE  
Salem, OR 97301-4096

Dear Ms. Sivell:

On April 28, 2016 and July 18, 2017 the Bureau of Justice Assistance (BJA) received your application for the John R. Justice (JRJ) Grant Program. As an attachment to your FY16 application and later to your FY17 application, you included a waiver request regarding the JRJ Equal Allocation Requirement - copies have been attached for reference. In this request, you assert that: Consistent outreach has been conducted across the state, including communication with Oregon law schools, State Bar, the Oregon District Attorney Association, Oregon Public Defense Services, and Oregon Criminal Defense Lawyers Association. Additionally, you've stated that there are more full-time prosecutors than full-time public defenders in the state which has led to more applications from prosecutors, and that there are only two target groups of eligible beneficiaries: 1) full-time public defenders and 2) full-time prosecutors. It has been noted that you intend to divide the available award(s) equally between all applicants to mitigate disparity.

The JRJ solicitation, in accordance with the JRJ Act, states that in order to demonstrate "good cause" a waiver request must, at a minimum, include documentation of the state agency's efforts to comply with the equal distribution requirement and state its reasons for its inability to comply. In the event that a waiver is granted, the equal allocation requirement shall be suspended and a state agency shall be permitted to make a disproportionate funding distribution to prosecutors and public defenders.

Based on the documentation included in your waiver request, and in accordance with the JRJ solicitation, I find that you have satisfied the "good cause" threshold and have demonstrated an inability to comply with the equal allocation requirement. This means that you are not held to the Equal Allocation Requirement. This waiver pertains to Fiscal Year 2016 and 2017 funding only and shall not be construed as a waiver of any other requirement of the JRJ Program.

I encourage you to access the John R. Justice web page on the BJA web site to keep apprised of program updates and developments. On this page, we include a section entitled, "Equal Allocation Requirement Waivers." We intend to list Oregon as a state that has requested and been granted a waiver. We also plan to post a copy of your waiver request on this page for purposes of informing the field and transparency.

If you have any questions, please do not hesitate to contact Antonio Tovar at (202) 598-7424 or by e-mail at [Antonio.Tovar@usdoj.gov](mailto:Antonio.Tovar@usdoj.gov).

Sincerely,

  
Tracey Trautman  
Acting Director

Cc: Shannon Sivell



**DEPARTMENT OF JUSTICE  
CRIME VICTIMS' SERVICES DIVISION**

**Equal Distribution Revised Waiver Request  
John R. Justice Loan Program  
2016-RJ-BX-0012  
Revised 7/25/2017**

CVSD requests a waiver of the BJA requirement for equal distribution of funds between lawyer types. Since receiving JRJ administrative responsibilities in 2013, CVSD has consistently conducted outreach activities across Oregon including communication with Oregon law schools, Oregon State Bar, the Oregon District Attorney Association, and Oregon Public Defense Services and Oregon Criminal Defense Lawyers Association. CVSD has maintained an equal distribution ratio between prosecutors and public defenders. In CVSD's experience, prosecutors in the program have consistently exceeded defenders. As JRJ funds diminish and the amount of support CVSD provides to public service attorneys dwindles, CVSD would like to recognize the work of all the public service attorneys in the program with an equal distribution of the amount for beneficiaries to all participants.

The beneficiaries of this award are all continuing. After reading an Office of Justice Program document proposing no funding be appropriated for the 2017 JRJ Program, we made a determination not to conduct a competitive process for the small amount Oregon receives, especially if only for one year. There are two target groups: Prosecutors and Public Defenders. In order to gather updated information on the continuing beneficiaries CVSD created and opened, one time only, a Progress Report on January 7, 2017 in the E-grant management system where the 4 Public Defenders and the 7 Prosecutors beneficiaries updated their demographic information, employment status, service agreement and lender information. The Progress Report was closed on February 17, 2017. This was the total number of Progress Reports received from each group and they have been notified of their continuation but they have not been informed of their benefit amounts.

CVSD is not considering awarding JRJ benefits to an equal number of prosecutors and Public Defenders because we have, to date, been fortunate enough to provide awards to all of the applicants who've met eligibility requirements. Our intent is to maximize JRJ funding both in terms of the number of awardees as well as amount of each award. If we restrict one set of applicants to match the number of other applicants, we will artificially turn away eligible and deserving public service attorneys. If, however, we may provide an equal amount of funding to all of our 2016 applicants, they all benefit equally. Not only is this an equitable solution, but furthers the goal of JRJ funds to support and sustain public service attorneys across Oregon's criminal justice system.

The amount of funds available to distribute to beneficiaries from the 2016-RJ-BX-0012 award is \$33,370, this is minus the 10% for administrative costs. If we were to distribute the award based on equal amounts of the funds to both the public defenders and the prosecutors (\$16,685), as we have since 2013, then with the greater number of prosecutors than public defenders beneficiaries the distribution of the funds would look like this: 4 Public Defenders would each receive \$4171.25 while the 7 Prosecutors would each receive \$2,383.57.

Through this waiver CVSD requests approval to award each participant the same amount. The \$33,370 would be divided equally among the 11 beneficiaries each receiving \$3,033.



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CRIME VICTIMS' SERVICES DIVISION**

**Equal Distribution Revised Waiver Request  
John R. Justice Loan Program  
FY2017**

CVSD requests a waiver of the BJA requirement for equal distribution of funds between lawyer types. Since receiving JRJ administrative responsibilities in 2013, CVSD has consistently conducted outreach activities across Oregon including communication with Oregon law schools, Oregon State Bar, the Oregon District Attorney Association, and Oregon Public Defense Services and Oregon Criminal Defense Lawyers Association. CVSD has maintained an equal distribution ratio between prosecutors and public defenders. However, looking just at the numbers, there are close to twice the number of prosecutors than public defenders in Oregon. That same or similar ratio exists as prosecutors in the program have consistently exceeded defenders when it comes to applicants requesting JRJ funding. CVSD would like to recognize the work of all the public service attorneys in the program with an equal distribution of the total amount to all participants.

Our intent is to maximize JRJ funding both in terms of the number of awardees as well as amount of each award. CVSD does not have any specific figures for the FY 2017 funding at this time. If we restrict one set of applicants to match the number of other applicants, we will artificially turn away eligible and deserving public service attorneys. If, however, we may provide an equal amount of funding to all of the potential 2017 applicants, they all benefit equally. Not only is this an equitable solution, but furthers the goal of JRJ funds to support and sustain public service attorneys across Oregon's criminal justice system.

Through this waiver request, CVSD would conduct a single application period the first of 2018 and utilize the \$90,000 (10% administrative costs subtracted). If the

ratio between lawyer types remains similar to recent trends, CVSD requests approval to award each participant an equal benefit amount.