

**RESPONSES TO QUESTIONS FOR THE RECORD SUBMITTED
FROM SENATOR SCHATZ**

Question 1: *Prosecutorial discretion for state-approved marijuana:* Following up on my question at your hearing, the Obama Administration issued guidance on prosecutorial discretion for noninterference in states, territories, and tribes where marijuana is legal. These memos—known as the Cole and Wilkinson memos—provided states, territories, and tribes with clarity as they implemented approved marijuana programs. Given the increased number of approved programs in the years since the Cole and Wilkinson memos, as well as the utility of the guidance provided by the memos, does the Justice Department’s plan to update and reissue the Cole and Wilkinson memos? If yes, what is your expected timeline?

RESPONSE:

As I stated in my testimony on April 26, 2022, the Justice Department’s enforcement resources are not put to their best use prosecuting nonviolent, low-level marijuana offenses, even in jurisdictions where marijuana use remains illegal. With respect to those jurisdictions where marijuana use and sales are lawfully regulated, there is even greater reason to conserve prosecutorial resources so that we can focus our attention on violent crimes and other crimes that cause societal harm and endanger our communities. The Department is examining a range of issues that relate to marijuana and its production, sale, and use, and we intend to address these issues in the days ahead.

Question 2: *Project HOPE Institute:* The explanatory statement accompanying the Consolidated Appropriations Act, 2022 (P.L. 117-103) included language directing the OJP to establish a Project HOPE Institute to provide training, technical assistance, and best practices for jurisdictions replicating the HOPE model. What is the status of the Project HOPE Institute?

RESPONSE:

The Bureau of Justice Assistance (BJA) reports that it is administering competitive grant funds and managing training and technical assistance to state, county, and Tribal agencies to operationalize the principles behind Project HOPE — swiftness, certainty, and fairness — in their supervision strategies. BJA works closely with the Swift Certain and Fair (SCF) Resource Center, which provides content expertise and project management support to those grantees to design, implement, and adjust their strategies to local needs and contexts.

In FY 2021, BJA made an award of \$500,000 to support the Hope Institute, via competitive solicitation, to the Marron Center at New York University, which operates the SCF Resource Center, to expand guidance to the field at large.

The FY 2022 solicitation opened March 23, 2022 and closed on May 25, 2022. The award to support the Hope Institute remains on track for implementation in 2022.

Question 3: Correctional Education Evaluation: The explanatory statement accompanying the Consolidated Appropriations Act, 2021 (P.L. 116-260)—also included in the explanatory statement accompanying the Consolidated Appropriations Act, 2022 (P.L. 117-103)—included language directing the NIJ to establish a public-private partnership with research and correctional institutions to collect and evaluate data and continue to advance the research on the impact of correctional education on recidivism. What is the status of the public-private partnership?

RESPONSE:

The National Institute of Justice reports that it awarded a competitive grant of \$585,726 to the University of Chicago to examine whether re-orienting the prison experience towards rehabilitation – by investing in education, mental health, and physical health while individuals are incarcerated – can reduce prison recidivism, specifically reincarceration rates. The project involves a collaboration with the Illinois Department of Corrections. This project performance period is three years, from January 1, 2022, through December 31, 2024. Should you wish a more detailed briefing of the project design and expected outcomes, my staff would be happy to put your staff in contact with the relevant experts within the Department.

Question 4: Science Advisory Board: The explanatory statement accompanying the Consolidated Appropriations Act, 2021 (P.L. 116-260)—also included in the explanatory statement accompanying the Consolidated Appropriations Act, 2022 (P.L. 117-103)—included language directing OJP to reestablish a Science Advisory Board to provide extra-agency review of, and recommendations for, OJP’s research, statistics, and grants program. The re-established Board should be comprised of scholars and practitioners in criminology, statistics, sociology, and practitioners in the criminal and juvenile justice fields and should be tasked with ensuring the programs and activities of OJP are scientifically sound and pertinent to policymakers and practitioners. What is the status of the Science Advisory Board?

RESPONSE:

The Office of Justice Programs (OJP) reports that it is assessing the re-establishment of the OJP Science Advisory Board. OJP has discussed this issue and reengaged with multiple external scientific organizations, including the National Academy of Science’s Committee on Law and Justice and the Consortium of Social Science Organizations. Dr. Nancy La Vigne, whom the President appointed Director of OJP’s National Institute of Justice, began her tenure on May 9, 2022. OJP anticipates that Dr. La Vigne will play an important leadership role in advancing the consideration and re-establishment of the Science Advisory Board.

Question 5: ICACCOPS Training: The explanatory statement accompanying the Consolidated Appropriations Act, 2022 (P.L. 117-103) included language directing the Justice Department to prioritize expanded training on and use of ICACCOPS across Federal, State, local, Tribal, and military law enforcement agencies. The language also directed the Justice Department to

coordinate with the Department of Defense on the implementation of section 5500 of Public Law 116-92. What is the status of the expanded training and the coordination with the Department of Defense?

RESPONSE:

In accordance with the joint explanatory statement accompanying the Consolidated Appropriations Act, 2022 (P.L. 117-103), the Department’s Office of Juvenile Justice and Delinquency Prevention (OJJDP) reports that it is actively working together with Fox Valley’s National Criminal Justice Training Center (NCJTC) to expand capacity, training, and coordination with entities across the Department of Defense (DoD). Those efforts build on ongoing programs and efforts that provide DoD entities with ICACCOPS training and resources. For example, NCJTC reports that its ongoing management of the ICACCOPS investigative system, the ICAC Task Force website, and the ICAC listserv, provides valuable resources to many members of DOD investigative entities. In addition, NCJTC reports that it provides core and specialized training and technical assistance to DOD investigators, including training on ICACCOPS supported tools.

Question 6: Sexual Abuse Services in Detention Hotline: The explanatory statement accompanying the Consolidated Appropriations Act, 2022 (P.L. 117-103) included language directing the Justice Department to explore opportunities for releasing existing grant funding, including through OVC’s discretionary grant program, for efforts that would create a hotline to provide sexual abuse and rape crisis counseling services to incarcerated individuals across the country. What is the status of the efforts to create a national hotline to provide sexual abuse and rape crisis counseling services to incarcerated individuals?

RESPONSE:

In FY 2021, the Office on Violence Against Women (OVW) partnered with the Bureau of Justice Assistance (BJA) to issue the National Service Line for Incarcerated Survivors of Sexual Abuse solicitation, supported with funds from BJA’s Prison Rape Prevention and Prosecution Grants appropriation. The Urban Institute, in partnership with the National Sexual Violence Resource Center, was selected as the recipient and has begun work.

The Service Line Initiative is being administered as a two-phase project beginning with a planning phase followed by an implementation phase.

This current project is for Phase One – the planning phase. Phase One will include a national scan of practices related to efforts to comply with PREA Standards, identification of common service gaps and needs, and guidance from subject matter experts on what a national service line would require to be responsive to both the PREA Standards and the unique needs of incarcerated victims. The goal of Phase One is to develop a comprehensive plan for the design and implementation of a Service Line for incarcerated victims of sexual abuse.

Phase Two, the implementation phase, will focus on using the comprehensive plan developed in the first phase to guide the Service Line's implementation. It is anticipated that Phase Two will be directed and administered by OVW and BJA, and that it will be funded competitively. Phase Two is dependent upon the availability of sufficient PREA appropriations in future fiscal years.