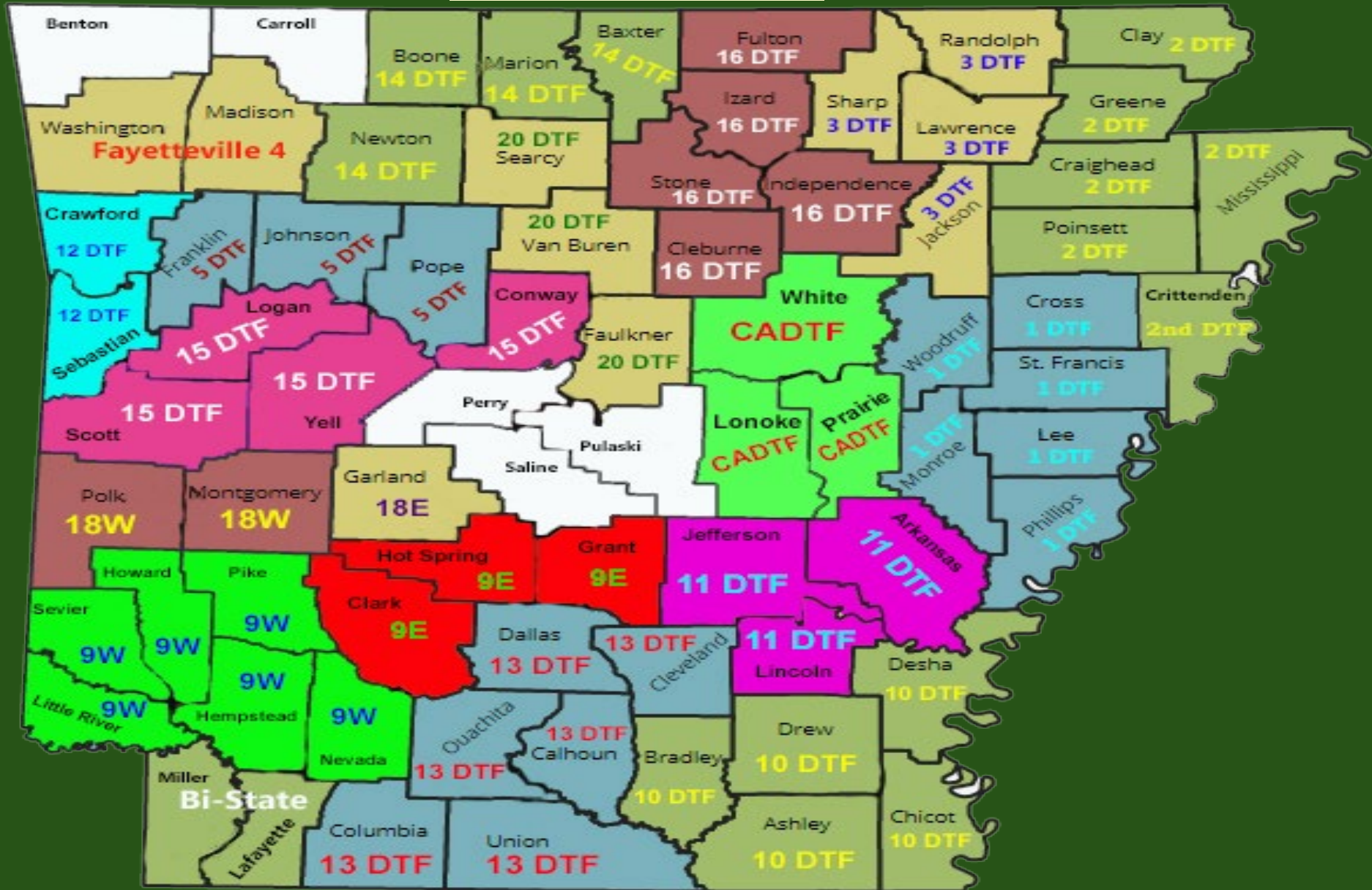


EXHIBIT D

Drug Task Force Authority and Structure

DTF Map



DTF Personnel breakdown

- 19 total DTFs covering 70 of 75 counties
- Grant Administrators - 15 Prosecuting Attorneys, 4 local agencies
- Total personnel: 158
- 139 agents/officers
- 45 fully grant funded
- 29 partially grant funded
- 84 in-kind participation

Drug Task Force Structure & Authority

- § 12-17-101 – Definition: (4) "Multi-jurisdictional drug crime task force" means an association consisting of a minimum of two (2) law enforcement agencies and one (1) prosecuting attorney acting by agreement to jointly investigate and prosecute drug crimes in a defined geographic area or judicial district
- Prosecuting Attorneys maintain authority over the operations of the drug task forces operating within their judicial district and they or their designees provide management of and compliance with state and federal grants
- Participating recipients who receive grant funding shall comply with the Uniform Program Operations for State Funded Multi-Jurisdictional Drug and Crime Task Force (adopted December 18, 2020, 016-26-20 Ark. Code R. § 4, under DHS Division of Aging, Adult, and Behavioral Health Service), which outlines:

Purpose

Objectives

Local Match Requirements

DTF Operating Budgets

Organizational Structure

Reporting Requirements

Training Compliance and Mandated Meeting Requirements

Drug Task Force Structure & Authority

- Drug task forces are required to develop an MOU with all participating parties including the Prosecuting Attorney
- Drug task forces must convene an oversight board to include participating agencies
- Collaborative board meetings are required at a minimum of every two months with minutes and attendance documented and reported to State Drug Director

Drug Task Force Structure & Authority

- Required Personnel:
 - DTF Commander: Responsible for oversight, day-to-day task force operations and law enforcement activities
 - Fiscal Officer: Performs program, financial, and/or administrative duties
- Funding for these positions can be matched from a participating agency as long as it meets the requirements and is documented in the signed MOU

Drug Task Force Structure & Authority

- Office of State Drug Director will be responsible for establishing oversight protocols and performing program monitoring
- The Arkansas Drug Director, in cooperation with DFA, shall perform financial monitoring of each DTF to ensure grant funds are being expended in accordance to law and to ensure the DTF's financial records system is adequate to provide a clear, timely, and accurate accounting of all asset forfeitures, revenues, and expenditures (A.C.A. 20-64-1001)

Arkansas State Drug Director Authority & Structure

- (1989) Position of Drug Director created within the Office of the Governor and shall serve at the pleasure of the Governor (Act 855)
- Director shall serve as the coordinator for development of an organizational framework to ensure that alcohol and drug programs and policies are well planned and coordinated (Act 855, A.C.A. 20-64-1001)

Arkansas State Drug Director Authority & Structure

- (2005) The Arkansas Drug Director shall report to the Secretary of the Department of Human Services (A.C.A. 20-64-1001). February 5, 2024, pursuant to MOU between DHS & DPS, Drug Director will report to and receive evaluation from the Secretary of Public Safety.

DTF State and Federal Funding Sources

- Byrne (JAG) - Federal
- Drug Crime Fund (DCF)
- State General Revenue
- Local Match
- Supplemental

Edward J. Byrne Memorial Justice Assistance Grant (JAG) Program

- The JAG Program provides states, tribes, and local governments with critical funding necessary to support a range of program areas including law enforcement, prosecution, indigent defense, courts, crime prevention and education,

DFA IGS Responsibilities:

- Governor designated State Administering Agency (SAA)
- Preparation and submission of the state JAG application
- Coordination of JAG funds among state and local justice initiatives
- Administration of JAG funds including establishing funding priorities; distributing funds, monitoring subrecipients' compliance with all JAG special conditions and provisions; and providing ongoing assistance to subrecipients
- Submission of financial reports, programmatic reports, performance measures, and subgrant information

Edward J. Byrne Memorial Justice Assistance Grant (JAG) Program

- Requires a 5-year strategic plan for application. Current plan began SFY 2021 (FFY 2020) and ends SFY 2025 (FFY 2024). JAG funding allocations:

<u>Funding allocations</u>	<u>Yr.1</u>	<u>Yr.2</u>	<u>Yr.3</u>	<u>Yr.4</u>	<u>Yr.5</u>
Law Enforcement 90%	100%	95%	90%	90%	
Behavioral Health	0%	5%	5%	5%	5%
Prevention/Education	0%	0%	5%	5%	5%

- Current balances:

Behavioral Health: \$179,488.94

Prevention/Education: \$172,591.70

State Drug Crime Enforcement & Prosecution Grant (Drug Crime Fund)

- There is hereby established and created on the books of the Chief Fiscal Officer of the State, the Treasurer of State, and the Auditor of State a special revenue fund to be known as the "State Drug Crime Enforcement and Prosecution Grant Fund" for the purpose of funding state grant awards for multi-jurisdictional drug crime task forces to investigate and prosecute drug crimes within the State of Arkansas (ACA § 12-17-102)
- Revenues generated under A.C.A. § 12-17-106. Amended in 2023 pursuant to Act 812 to increase the special assessment from \$125 to \$150 against any person who is convicted of or enters a plea of guilty or nolo contendere to any felony or misdemeanor offense. The drug crime special assessment shall be collected by the entity or office designated to collect fines and costs within the jurisdiction.
- Average monthly deposits:
 - 2019: \$112,258.81
 - 2020: \$101,029.89
 - 2021: \$113,613.14
 - 2022: \$98,082.81
 - 2023: \$85,165.77

Local Match

- DTFs required to match federal and state grant funding for operations. Match can be cash or in-kind
- Match requirements determined by population:
 - Tier 1: 30,000 – 90,000 (20%)
 - Tier 2: 91,000 – 140,000 (25%)
 - Tier 3: 141,000 or greater (30%)

AADACC Mission Statement

The Arkansas Alcohol and Drug Abuse Coordinating Council (AADACC - established in 1989) oversees the planning and budgeting of education, prevention, treatment programs and law enforcement services as they relate to the enforcement of Arkansas alcohol and drug law to efficiently and effectively combat the abuse of alcohol and drugs in the state of Arkansas (Title 20 Public Health & Welfare, Chapter XVI, Part 700 AADACC Rules of Procedure)

AADACC Functions, Powers, and Duties

A.C.A. § 20-64-1003

- All federal money received by the State of Arkansas for drug law enforcement, education or prevention shall be reviewed by the coordinating council for disbursement, accountability, and evaluation
- The AADACC shall have the responsibility for overseeing all planning, budgeting, and implementation of expenditures of state and federal funds allocated for alcohol and drug education, prevention, treatment, and law enforcement
- The coordinating council shall review and coordinate all school-based drug education, prevention, and awareness programs and efforts funded by the State

AADACC Functions, Powers, and Duties cont.

- Develop training and education programs for criminal justice personnel in drug related matters in conjunction with the Arkansas Law Enforcement Training Academy
- Authorized to develop its rules of procedure, including establishment of a committee structure for the approval of funding and other purposes
- Committees shall include, but not be limited to, a Prevention, Education, and Treatment Committee, and a Law Enforcement Committee

AADACC functions, powers, and duties cont.

- Assist community-based prevention councils in planning and coordinating prevention activities, promoting innovative programs, developing stable funding sources and disseminating current information
- Establish advocacy groups among the business community and youth population of the state
- Work with all federal, state, county, and local law enforcement agencies to ensure an integrated system of enforcement activities
- Perform other such functions as may be necessary to carry out the functions, powers, and duties as set forth in this subchapter.

Administrative AADACC Members

Thirteen administrative officers or designees of the following agencies:

- Arkansas Drug Director (Chairperson/Gubernatorial Appointee)
 - Director Tom Fisher
- Director of the Office of Alcohol and Drug Abuse Prevention
 - Director Paula Stone - Office of Substance Abuse and Mental Health
- Director of Arkansas State Police
 - Colonel Mike Hagar
- Commissioner of Department of Education
 - Secretary Jacob Oliva
- Director of AR State Highway and Transportation Department

Administrative AADACC

Members cont.

- Director of DFA
 - Secretary Jim Hudson
- Adjutant General of AR National Guard
 - Major General Mark H. Berry
- AR Attorney General
 - Attorney General Tim Griffin
- Director State Crime Lab
 - Dr. Theodore "Ted" Brown
- Director Arkansas Department of Health Office of Alcohol Testing
 - Secretary of Health Renee Mallory
- Director Administrative Office of the Courts
 - Marty Sullivan
- Director Department of Community Correction
 - Jerry Bradshaw

Governor Appointed AADACC Members

Fourteen gubernatorial appointees serving 3-year terms:

- Police Chief
 - Chief Carlos Garcia
- Sheriff
 - Sheriff John Staley
- Drug Court Judge
 - Judge Cristi Beaumont
- Prosecuting Attorney
 - Carol Crews
- Private Citizen Not Employed by the State or Federal Government
 - Norman Kemper
- Director of a Publicly Funded Alcohol and Drug Treatment Program
 - Dorinda "Dori" Haddock

Governor Appointed AADACC Members

cont.

- School Drug Counselor
 - Lequieta Grayson
- Director of a Drug Abuse Prevention Program
 - Jill Weinishke
- Director of a Driving While Intoxicated Program
 - Victor Hernandez, Jr.
- Health Professional
 - Dr. Sara Jones
- Four (4) members from the state at large who have demonstrated knowledge of or interest in alcohol and drug abuse prevention, at least two (2) of whom shall be recovering persons
 - Paul Stevens
 - Teresa Belew
 - Paula Cunningham
 - Kim Brown

Asset Forfeiture
Calculations and
Distribution

A.C.A. § 5-
64-505

Asset Forfeiture Fund

- Proceeds of any sale and any moneys forfeited or obtained by judgement or settlement shall be deposited into the asset forfeiture fund of the prosecuting attorney
- If, during a calendar year the aggregate amount of moneys deposited into the asset forfeiture fund exceeds \$20,000 per county, the prosecuting attorney shall, within 14 days of that time, notify the circuit judges in the judicial district and the Arkansas Drug Director
- Twenty percent (20%) of the proceeds of any additional sale and any additional moneys forfeited or obtained by judgment or settlement in the same calendar year shall be deposited into the State Treasury as special revenues to be credited to the Crime Lab Equipment Fund, and the remainder shall be deposited into the asset forfeiture fund of the prosecuting attorney

Asset Forfeiture Fund cont.

- Moneys in the asset forfeiture fund shall be distributed in the following order:
 - For satisfaction of any bona fide security interest or lien
 - For payment of any proper expense of the proceeding for forfeiture and sale
 - A drug task force may use forfeited property or money if said forfeiture is forfeited to the prosecuting attorney, county sheriff, chief of police, ASP, AHP Division of Transportation.
 - Any balance under two hundred fifty thousand dollars (\$250,000) shall be distributed proportionally to reflect the contribution of the local or state law enforcement or prosecutorial agency's participation in any activity that led to the seizure or forfeiture

Asset Forfeiture Fund cont.

- Any balance over two hundred fifty thousand dollars (\$250,000) shall be forwarded to the Arkansas Drug Director to be transferred to the State Treasury for deposit into the Special State Assets Forfeiture Fund for distribution
- For a forfeiture in an amount greater than two hundred fifty thousand dollars (\$250,000) from which expenses are paid for a proceeding for forfeiture and sale, an itemized accounting of the expenses shall be delivered to the Arkansas Drug Director within ten (10) calendar days after the distribution of the funds

Asset Forfeiture Fund cont.

Seized Property:

Property is sold according to statutory provisions

- Eighty percent (80%) of the proceeds are deposited into the drug control fund of the retaining law enforcement agency or prosecuting attorney
- Twenty percent (20%) of the proceeds are deposited into the State Treasury as special revenues to be credited to the Crime Lab Equipment Fund
- Any aircraft is forfeited to the office of the Arkansas Drug Director and may only be used for drug eradication or drug interdiction efforts, within the discretion of the Arkansas Drug Director. However, if the Arkansas Alcohol and Drug Abuse Coordinating Council determines that the aircraft should be sold, the sale shall be conducted pursuant to the provisions of 5-5-101(e) and (f), and the proceeds of the sale shall be deposited into the Special State Assets Forfeiture Fund.

Drug Control Fund

- Maintained by law enforcement agencies and prosecuting attorneys
- Consists of proceeds of any sale or moneys forfeited or obtained by judgement or settlement and any other revenue as may be provided by law or ordinance
- Shall only be used for law enforcement and prosecutorial purposes
- Law enforcement agencies and prosecuting attorneys shall submit to the Arkansas Drug Director on or before January 1 and July 1 of each year a report detailing any moneys received and expenditure made from the drug control fund during the preceding six-month period

Special State Assets Forfeiture Fund

- The first \$150,000 each fiscal year is transferred to U of A for allocation to the Criminal Justice Institute (CAA100). This is based on special language in the U of A appropriation Act and the latest Act 382 of 2023, Section 18, (previous provision provided in Act 189 of 2017, section 15) TAF0000
- From the amount over the \$150,000, 20% is transferred to the Division of Community Correction Fund (HCP0100) and 80% to the Arkansas Alcohol and Drug Abuse Coordinating Council Fund (TAF0500).
- From SFY 2020 – 2022: \$0.00 balance. SFY 2023 ending balance: \$39,480.00. SFY 2024 current balance: \$53,219.00.

Special State Assets Forfeiture Fund

- The Arkansas Drug Director shall establish through rules a procedure for proper investment, use, and disposition of state moneys deposited into the Special State Assets Forfeiture Fund (016.19.18 Ark. Code R. § 004).
- State moneys in the Special State Assets Forfeiture Fund shall be distributed by the Arkansas Alcohol and Drug Abuse Coordinating Council and shall be distributed for drug interdiction, eradication, education, rehabilitation, the State Crime Laboratory, and drug courts

Federal Forfeitures

- Any moneys received by a prosecuting attorney or law enforcement agency from a federal forfeiture shall be deposited and maintained in a separate account
- However, any balance over two hundred fifty thousand dollars (\$250,000) shall be distributed as set forth as follows:
 - Any balance over two hundred fifty thousand dollars (\$250,000) shall be forwarded to the Division of Arkansas State Police to be transferred to the State Treasury for deposit into the Special State Assets Forfeiture Fund in which it shall be maintained separately and distributed consistent with governing federal law and upon the advice of the Arkansas Alcohol and Drug Abuse Coordinating Council (TAF0100).

Federal Forfeitures cont.

- Of the moneys contained in the Special State Assets Forfeiture Fund at the beginning of each fiscal year:
 - No more than twenty-five percent (25%) shall be retained by the Division of Arkansas State Police to be used for law enforcement purposes consistent with governing federal law (TAF0300).
 - Sixty-five percent (65%) may be distributed among other state and local law enforcement agencies to be used for law enforcement purposes consistent with federal law (TAF0400).
 - With the advice of the Arkansas Alcohol and Drug Abuse Coordinating Council, the Division of Arkansas State Police shall promulgate rules and procedures for the distribution according to the above formula

Federal Forfeitures cont.

- Discontinued in 2021. \$401,000.00 was returned to Department of Justice.
- Letter dated September 20, 2021, from US DOJ Criminal Division, Money Laundering and Asset Recovery Division: "...the Department of Justice's (DOJ's) Money Laundering and Asset Recovery Section (MLARS) has determined that transfers of federal equitable sharing funds to the SSAFF conflict with the statutory and policy requirements that govern DOJ's Equitable Sharing Program (Program).
- "Arkansas state law conflicts with these program policies because it requires that Arkansas law enforcement agencies transfer awards of federal equitable sharing funds in excess of \$250,000 to the SSAFF for further distribution. Accordingly, program participants may no longer transfer equitable sharing funds to the SSAFF. Going forward MLARS is coordinating with federal enforcement agencies to ensure shared funds exceeding \$250,000 on any single equitable sharing payment are not disbursed to an Arkansas Program participant. Instead, any excess funds over \$250,000 will remain in the DOJ's AFF and reinvested back into law enforcement initiatives.