

Title 12. Law Enforcement, Emergency Management, and Military Affairs
Chapter XVI. Arkansas Alcohol and Drug Abuse Coordinating Council, Division
of Aging, Adult, and Behavioral Health Services, Department of Human
Services

Subchapter A. Generally

Part 90. Rules of Procedure for the State Drug Crime Enforcement and
Prosecution Grant Fund

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"Statutory Authority: A.C.A. §12-17-102, et seq

Necessity and Functions: Development and promulgation of criteria for the grant applications and awards process for the special revenue funds deposited in the State Drug Crime Enforcement and Prosecution Grant Fund."

"INTRODUCTION

Arkansas Code Annotated §12-17-102 created a special revenue fund known as the State Drug Crime Enforcement and Prosecution Grant Fund (DCF). This fund consists of revenues generated under AC.A. §12-17 -106 and any moneys authorized by the General Assembly. The funds are to be used for the funding of state grant awards to multi-jurisdictional drug crime task forces for the investigation and prosecution of drug crimes within the State of Arkansas.

AC.A §12-17-104 authorizes and directs the Arkansas Alcohol and Drug Abuse Coordinating Council (AADACC) to develop and promulgate rules which set our criteria for the grant application and award process. They shall review all grant applications under this chapter; determine which application or applicants should receive grant awards under this chapter ; and retain oversight of all grant expenditures under this chapter.

These rules establish the procedures to be used in implementing the above statute."

Subpart 1. Generally

12 CAR § 90-101. Source of funds.

The State Drug Crime Enforcement and Prosecution Grant Fund consists of revenues obtained under Arkansas Code § 12-17-106 and includes:

- (1) The sum of all special assessments levied against individuals convicted of felony or misdemeanor offenses which are determined by district or circuit courts to be drug crimes as defined in Arkansas Code § 12-17-101(1); and
- (2) Any moneys authorized by the General Assembly.

Authority. Arkansas Code §§ 12-17-104, 20-64-1003.

12 CAR § 90-102. Laws and policies affecting grant awards.

(a) **Determination of awards.** The Arkansas Alcohol and Drug Abuse Coordinating Council will select all recipients funded through the State Drug Crime Enforcement and Prosecution Grant Fund, Arkansas Code § 12-17-104.

(b) Eligible recipients.

(1) Multi-jurisdictional drug crime task forces are the only eligible recipients of grants awarded from the State Drug Crime Enforcement and Prosecution Grant Fund.

(2) A multi-jurisdictional drug crime task force (DTF) is defined in Arkansas Code § 12-17-101(4) as 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 geographical area or judicial district.

(c) Requirement for local matching funds.

(1) Grantees must contribute local matching funds equaling at least twenty percent (20%) of the total grant award, Arkansas Code § 12-17-105(a).

(2) The source of these matching funds must be from county or municipal general revenue appropriations or authorized drug control fund disbursements of any participating DTF award, Arkansas Code § 12-17-105(b).

(3) Local match may be satisfied by a cash match, an in-kind match, or a combination of the two (2), and must be directly dedicated to the goals of the project.

(4) Allowable items for in-kind match are determined by the Office of Intergovernmental Services and will be listed on applications.

(5) Local match may not be satisfied from any federal funding source.

(d) Uses of grant awards.

(1) In general, grant awards are to be used for investigation and prosecution of drug crimes within the State of Arkansas, Arkansas Code § 12-17-102(a).

(2)(A) Grant awards must be used specifically for:

- (i) Salaries;
- (ii) Personal services matching;
- (iii) Overtime;
- (iv) Maintenance and general operations;
- (v) Evidential purchases of controlled substances or information;
- (vi) Informant and witness compensation;
- (vii) Rent;
- (viii) Utilities;
- (ix) Telecommunications;
- (x) Fuel;
- (xi) Vehicle maintenance and repair;
- (xii) In-state training; and
- (xiii) Travel expenses.

(B) See Arkansas Code § 12-17-107(a).

(3) Grant awards may also be used for capital outlay or equipment purchases not exceeding one thousand five hundred dollars (\$1,500) per item, Arkansas Code § 12-17-107(c).

(4) Each grant award will provide for accounting and fiscal officer services, Arkansas Code § 12-17-107(b).

(e) Criteria for awarding of grants.

(1) The council will award grants from the State Drug Crime Enforcement and Prosecution Grant Fund in a fair and equitable manner, and in a manner that it believes will best facilitate and enhance drug crime investigation and prosecution in the State of Arkansas.

(2) Criteria used in selecting recipients or amounts awarded may include, but are not limited to, the following:

(A) Productivity of the applying DTF, in a time period determined by the council, as evaluated by analysis of any number of the following:

- (i) Number of drug crime arrests;
 - (ii) Number of convictions, including convictions arising from plea bargains, resulting from drug crime arrests;
 - (iii) Sum of drug amounts seized;
 - (iv) Previous and/or current funding levels;
 - (v) Staffing and resource levels;
 - (vi) Population base served;
 - (vii) Square mileage of jurisdictional area served; and
 - (viii) Performance related to previous allocations of Edward Byrne Memorial Justice Assistance Grants and/or Special State Assets Forfeiture Fund moneys;
- (B) Justification of need as contained in the application;
- (C) Measurability of goals and objectives contained in the application;
- (D) Achievability of goals and objectives contained in the application;
- (E) Percentage level of local matching funds; and
- (F) Any additional criteria subsequently determined by the council.

(f) **Award amounts.** The council will determine the amount of each grant award, and it may elect to award an amount equal to, or lower than, the amount requested by the applying DTF.

(g) **Unexpected and/or unallocated revenues.** Unexpected and/or unallocated revenues that become available during the fiscal year may be allocated to eligible recipients through a supplemental and competitive grant process.

Authority. Arkansas Code §§ 12-17-104, 20-64-1003.

12 CAR § 90-103. Requests for proposals.

(a) The Office of Intergovernmental Services is responsible for:

(1) Coordination of State Drug Crime Enforcement and Prosecution Grant Fund moneys with the Arkansas Alcohol and Drug Abuse Coordinating Council and the DTF recipients in accordance with statute;

(2) Preparation and dissemination of requests for proposals (RFP) for DTFs and the council;

(3) Receipt and review of applications from DTFs; and

(4) Administration of State Drug Crime Enforcement and Prosecution Grant Fund moneys including:

(A) Distributing moneys;

(B) Monitoring subrecipients;

(C) Compliance with all state and federal laws and requirements; and

(D) Providing financial reports to the council.

(b)(1) A notice of funds available (the RFP) will be sent by the office to the Arkansas Drug Director and all DTF authorized officials.

(2) In addition, the office will post the notice on the appropriate State of Arkansas website.

(3) The notice will contain a due date for submission of applications and a list of all required documents.

(4) All applications and supporting documentation must be received by the close of business, 4:30 p.m. on the due date, in order to be considered for funding.

(5) In the event of extraordinary circumstances, e.g., inclement weather, a late filing may be accepted by approval of the Administrator of the Office of Intergovernmental Services upon showing by the applicant that unexpected circumstances beyond the control of the applicant agency prevented a timely filing.

(6) Late application denial decisions by the office cannot be appealed.

(c)(1) Upon receipt, the office will review all applications and make recommendations regarding applicants' requests based on:

- (A) Funding priorities and other criteria;
- (B) Availability of funds;
- (C) Statutory and grant program restrictions; and
- (D) Grant management requirements.

(2) Grant management issues of unavailability of funding or impermissible program uses are to be determined by the office and cannot be appealed.

(d)(1) State Drug Crime Enforcement and Prosecution Grant Fund moneys may not be used to supplant state or local funds.

(2) All applicants must certify that grant moneys will not be used to replace state or local funds that would, in the absence of such state or federal assistance, be made available for the same purpose.

(3) Issues of supplanting expenditures cannot be appealed.

(e) The individual project descriptions, budgets, budget narratives, the office funding recommendations, and overall grant program budget will be sent by the office to the authorized council subcommittee for review by each of the subcommittee members and then by the council as a whole.

(f)(1) The applying DTF agency, upon request by the council subcommittee or the council, may be required to appear before the council subcommittee or the council to support its application.

(2) The council subcommittee will forward its recommendations for funding to the council.

(3) Upon receipt of the subcommittee's recommendations, the council may take any action it deems appropriate with respect to the recommendations, including, but not limited to:

- (A) Voting to accept the subcommittee's recommendations;
- (B) Requesting additional information; or
- (C) Delaying a decision until such time as the council determines to be

appropriate.

(g)(1) The office will notify applicants of the council subcommittee hearing date and the council's final decision, as well as any right to seek reconsideration.

(2) Any applicant who has been denied funding by the council must notify the director and office in writing of the intent to seek reconsideration no later than ten (10) business days of receiving notification.

(3) The party requesting reconsideration will submit written materials supporting the request to both the director and the office.

(4) Parties desiring reconsideration may request the opportunity to present oral arguments before the council.

(5) After the request for reconsideration has been presented, the council may either refer the request back to the subcommittee for reconsideration or take any other action it deems necessary, including not to reconsider the request for funding.

(6) Should the applicant be referred back to the subcommittee, the request for reconsideration will be reviewed and resubmitted to the council for a final decision.

Authority. Arkansas Code §§ 12-17-104, 20-64-1003.

Codification Notes. "DTF" means drug crime task force.

12 CAR § 90-104. Unused or recovered funds.

(a) When the Office of Intergovernmental Services determines that unused or recovered State Drug Crime Enforcement and Prosecution Grant Fund moneys are available, they shall notify the Arkansas Alcohol and Drug Abuse Coordinating Council of the:

- (1) Availability of such funds;
- (2) Approximate amount available; and
- (3) Deadline for applying for such funds.

(b) All grant funds which are not used by the grantees or which are returned by the grantees shall be awarded in accordance with the procedures stated above.

Authority. Arkansas Code §§ 12-17-104, 20-64-1003.

12 CAR § 90-105. Equal opportunity.

All programs must furnish assurance of compliance with applicable civil rights laws and regulations.

Authority. Arkansas Code §§ 12-17-104, 20-64-1003.

12 CAR § 90-106. Freedom of Information Act of 1967.

Proposals submitted in response to any RFP are subject to the provisions of the Freedom of Information Act of 1967, Arkansas Code § 25-19-101 et seq.

Authority. Arkansas Code §§ 12-17-104, 20-64-1003.

Codification Notes. "RFP" means request for proposals.

12 CAR § 90-107. Policies affecting funding.

(a) A memorandum of understanding will be signed by the chair of the Arkansas Alcohol and Drug Abuse Coordinating Council, the chair of the Law Enforcement Committee of the council, the Prosecutor Coordinator, the Administrator of the Office of Intergovernmental Services of the Department of Finance and Administration, and the President of the Arkansas Prosecuting Attorneys Association for the purpose of managing the State Drug Crime Enforcement and Prosecution Grant Fund moneys.

(b) Recipients.

- (1) The council will make funds available through grants.
- (2) DTF agencies are the only eligible recipients.
- (3) The council will not award an application that is not consistent with its funding plan.

(c) **Sanctions.** The council reserves the right to suspend or reduce the funding, terminate the grant, or impose other sanctions on a grantee for reasons which include, but are not limited to:

(1)(A) Poor performance of the grantee in fulfilling its obligations.

(B) Evidence of poor performance includes but is not limited to:

(i) Failure to comply with standards as contained in the funding agreements;

(ii) Failure to produce documentation or information requested by the Arkansas Drug Director or other evaluators designated by the director;

(iii) Failure to comply with the goals and strategies set forth in the application; and

(iv) Failure to timely submit required reports in the proper format and with proper documentation;

(2) Failure to adhere to the requirements in the agreement, standard conditions, or special conditions; and

(3) Filing a false certification in the application, report or reports, or other document or documents.

(d) **Modifications.**

(1) In extraordinary circumstances, the council may elect to allow modification of the budget.

(2) All requests for modification must be provided in writing to the Office of Intergovernmental Services.

(3) The office will present such requests to the council subcommittee for review and recommendation to the council.

(4) Upon approval by the council, the office will make the necessary changes to the underlying DTF award.

Authority. Arkansas Code §§ 12-17-104, 20-64-1003.

Codification Notes. "DTF" means drug crime task force.