



# Arkansas Alcohol and Drug Abuse Coordinating Council

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## Rules of Procedure

### State Drug Crime Enforcement and Prosecution Grant Fund

**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.

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## **Introduction**

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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 A.C.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 multijurisdictional drug crime task forces for the investigation and prosecution of drug crimes within the State of Arkansas.

A.C.A. §12-17-104 authorizes and directs the Arkansas Alcohol and Drug Abuse Coordinating Council (AADACC) to develop and promulgate rules which sets our criteria for the grant applications 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.

## **Section I. Source of Funds**

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The State Drug Crime Enforcement and Prosecution Grant Fund (DCF) consists of revenues obtained under A.C.A. §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 A.C.A. §12-17-101 (1).

- 2) Any moneys authorized by the General Assembly.

## **Section II.**

### **Laws and Policies Affecting Grant Awards**

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#### **1. Determination of Awards**

The AADACC will select all recipients funded through the DCF (A.C.A. §12-17-104).

#### **2. Eligible Recipients**

Multi-jurisdictional drug crime task forces are the only eligible recipients of grants awarded from the DCF. A multi-jurisdictional drug crime task force (DTF) is defined in A.C.A. §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 geographic area or judicial district.

#### **3. Requirement for Local Matching Funds**

Grantees must contribute local matching funds equaling at least twenty percent (20%) of the total grant award (A.C.A. §12-17-105 (a)). 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 (A.C.A. §12-17-105 (b)). Local match may be satisfied by a cash match, an in-kind match, or a combination of the two, and must be directly dedicated to the goals of the project. Allowable items for in-kind match are determined by the Department of Finance and Administration

Office of Intergovernmental Services (IGS) and will be listed on applications.

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

#### **4. Uses of Grant Awards**

In general, grant awards are to be used for investigation and prosecution of drug crimes within the State of Arkansas (A.C.A §12-17-102 (a)). Grant awards must be used specifically for salaries, personal services matching, overtime, maintenance and general operations, evidential purchases of controlled substances or information, informant and witness compensation, rent, utilities, telecommunications, fuel, vehicle maintenance and repair, in-state training, and travel expenses (A.C.A §12-17-107 (a)). Grant awards may also be used for capital outlay or equipment purchases not exceeding one thousand five hundred dollars (\$1,500) per item (A.C.A §12-17-107 (c)). Each grant award will provide for accounting and fiscal officer services (A.C.A §12-17-107 (b)).

#### **5. Criteria for Awarding of Grants**

The AADACC will award grants from the DCF 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. 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 AADAC as evaluated by analyses of any number of the following:

- (1) Number of drug crime arrests.

- (2) Number of convictions, including convictions arising from plea bargains, resulting from drug crime arrests.
- (3) Sum of drug amounts seized.
- (4) Previous and/or current funding levels.
- (5) Staffing and resource levels.
- (6) Population base served.
- (7) Square mileage of jurisdictional area served.
- (8) Performance related to previous allocations of Edward Byrne Memorial Justice Assistance Grants and/or Special State Assets Forfeiture Funds.

- 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.
- F. Any additional criteria subsequently determined by the AADACC.

## **6. Award Amounts**

The AADACC 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.

## **7. 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.

## **Section III.**

# **Grant Specifications and Application Process**

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### **1. Requests for Proposals**

A. IGS is responsible for:

- (1) Coordination of DCF funds with the AADACC and the DTF recipients in accordance with statute.
- (2) Preparation and dissemination of requests for proposals (RFP) for DTFs and the AADACC.
- (3) Receipt and review of applications from DTFs.
- (4) Administration of DCF funds including distributing monies, monitoring sub-recipients, compliance with all state and federal laws and requirements, providing financial reports to the AADACC.

B. A Notice of Funds Available (the RFP) will be sent by IGS to the Drug Director and all DTF authorized officials. In addition, IGS will post the notice on the appropriate State of Arkansas website. The Notice will contain a due date for submission of applications and a list of all required documents. All applications and supporting documentation must be received by the close of business, 4:30 PM, on the due date in order to be considered for funding. In the event of extraordinary circumstances (e.g., inclement weather), a late filing may be accepted by approval of the Administrator of IGS upon showing by the applicant that unexpected circumstances beyond the control of the

applicant agency prevented a timely filing. Late application denial decisions by IGS cannot be appealed.

C. Upon receipt, IGS will review all applications and make recommendations regarding applicants' requests based on funding priorities and other criteria, availability of funds, statutory and grant program restrictions, and grant management requirements. Grant management issues of unavailability of funding or impermissible program uses are to be determined by IGS and cannot be appealed. IGS will analyze requests to eliminate any issue of supplanting. The use of state funds for costs previously supported by federal funds will make such costs ineligible for subsequent federal support, as this would constitute supplanting. Issues of supplanting expenditures cannot be appealed. The individual project descriptions, budgets, budget narratives, the IGS funding recommendations, and overall grant program budget will be sent by IGS to the authorized AADACC subcommittee for review by each of the subcommittee members and then by the AADACC as a whole.

D. The applying DTF agency, upon request by the AADACC subcommittee or the AADACC, may be required to appear before the AADACC subcommittee or the AADACC to support its application. The AADACC subcommittee will forward its recommendations for funding to the AADACC. Upon receipt of the subcommittee's recommendations, the AADACC may take any action it deems appropriate with respect to the recommendations, including, but not

limited to, voting to accept the subcommittee's recommendations, requesting additional information, or delaying a decision until such time as the AADACC determines to be appropriate.

- E. IGS will notify applicants of the AADACC subcommittee hearing date, and the AADACC's final decision, as well as any right to seek reconsideration. Any applicant who has been denied funding by the AADACC must notify the Drug Director and IGS in writing of the intent to seek reconsideration no later than ten (10) business days of receiving notification. The party requesting reconsideration will submit written materials supporting the request to both the Drug Director and IGS. Parties desiring reconsideration may request the opportunity to present oral arguments before the AADACC. After the request for reconsideration has been presented, the AADACC 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. Should the applicant be referred back to the subcommittee, the request for reconsideration will be reviewed and resubmitted to the AADACC for final decision.

## **2. Unused or Recovered Funds**

When IGS determines that unused or recovered funds are available, they shall notify the AADACC of the availability of such funds, the approximate amount available, and the deadline for applying for such funds. 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.

### **3. Equal Opportunity**

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

### **4. Freedom of Information Act**

Proposals submitted in response to any RFP are subject to the provisions of the Freedom of Information Act.

## **Section IV. Policies Affecting Funding**

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In February 2012, a Memorandum of Understanding was signed by the Chair of the AADACC, the Chair of the Law Enforcement Committee of the AADACC, the Prosecutor Coordinator, the Administrator of the Department of Finance and Administration, and the President of the Arkansas Prosecuting Attorneys Association. The Memorandum of Understanding reflects an agreement to maintain a minimum balance of \$2,500,000 in the DCF in order to replenish potential future reductions in federal funding to multi-jurisdictional drug crime task forces in Arkansas.

### **1. Recipients**

The AADACC will make funds available through grants. DTF agencies are the only eligible recipients. The AADACC will not award an application that is not consistent with its funding plan.

## **2. Sanctions**

The AADACC reserves the right to reduce the funding, terminate the grant, or impose other sanctions on a grantee for reasons which include, but are not limited to:

A. Poor performance of the grantee in fulfilling its obligations. Evidence of poor performance includes but is not limited to:

(1) Failure to comply with standards as contained in the funding agreements.

(2) Failure to produce documentation or information requested by the Drug Director or other evaluators designated by the Drug Director.

(3) Failure to comply with the goals and strategies set forth in the application.

(4) Failure to timely submit required reports in the proper format and with proper documentation.

B. Failure to adhere to the requirements in the agreement, standard conditions, or special conditions.

C. Filing a false certification in the application, report(s), or other document(s).

## **3. Modifications**

In extraordinary circumstances, the AADACC may elect to allow modification of the budget. All requests for modification must be provided in writing to IGS. IGS will present such requests to the AADACC subcommittee for review and recommendation to the AADACC. Upon

approval by the AADACC, IGS will make the necessary changes to the underlying DTF award.

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