



**Division of Aging, Adult, & Behavioral Health Services**  
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MEMORANDUM

TO: Interested Persons and Providers

FROM: Jay Hill, Director, Division of Aging, Adult, & Behavioral Health Services

DATE: October 8, 2020

SUBJ: Uniform Program Operations - State Funded Multijurisdictional Drug and Crime Task Forces (DCTFs)

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As a part of the Arkansas Administrative Procedure Act process, attached for your review and comment are proposed rule revisions.

Public comments must be submitted in writing at the above address or at the following email address: [ORP@dhs.arkansas.gov](mailto:ORP@dhs.arkansas.gov) Please note that public comments submitted in response to this notice are considered public documents. A public comment, including the commenter's name and any personal information contained within the public comment, will be made publicly available and may be seen by various people.

If you have any comments, please submit those comments in writing, no later than November 9, 2020.

Uniform Program Operations  
State Funded Multijurisdictional Drug and Crime Task Forces

## **1. Purpose**

The goal of the State Funded Drug Task Force is to significantly reduce drug related crimes throughout the state of Arkansas. This is done through aggressive enforcement of state laws that outline the rules and penalties associated with the possession, manufacturing, importation, and distribution of illicit drugs and dangerous substances.

## **2. Objectives**

The overall objectives of the State Funded Drug Task Force are:

- A. To identify and arrest individual drug offenders, or those offenders within an organized criminal group, and to prosecute these offenders with special emphasis placed on offenses that involve the manufacturing, importation, and distribution of illicit drugs.
- B. To promote a higher level of cooperation among the Task Force agencies located within a judicial district (as well as with other Task Forces statewide); and to promote more direct involvement with non-participating law enforcement organizations at all levels of government.
- C. To work together in a more collaborative way, in an information sharing effort, with an emphasis on effectively identifying and greatly reducing drug distribution markets, and in aggressively prosecuting individuals arrested for being involved in this activity.
- D. To improve the effectiveness of law enforcement as they combat illicit drug trafficking and improve interdiction efforts. This is done through training that focuses on:
  - (1) Up-to-date and relevant information about drug trafficking protocols.
  - (2) The importance of sharing information statewide.
  - (3) Collaboration between Drug Task Force members and law enforcement in general.
- E. To support officer safety through hands-on training that promotes a more effective use of technology, social media, and information or intelligence sharing. The primary purpose is to enhance law enforcement communications capabilities on a statewide basis, and to keep task force personnel up to date on safety issues and concerns in dealing with drug-related crimes.

### **3. Local Match Requirements**

State Funded Drug Task Forces will be required to match federal and state grant funding for its operations. Match can be cash or in-kind. Any in-kind must be documented in the signed Memorandum of Understanding (MOU). The Local Match requirements will be based on district population and funding match percentage (amount) will be determined based on the funding source according to the following tiers:

- A. Tier 1 – a district population based on 30,000-90,000 will require a funding match of twenty percent (20%).
- B. Tier 2 – a district population based on 91,000-140,000 will require a funding match of twenty-five percent (25%).
- C. Tier 3 – a district population based on 141,000 or greater will require a funding match of thirty percent (30%).

### **4. Drug Task Force Operating Budgets**

A Drug Task Force operating budget, and allowable uses of grant awards, will be in accordance with Ark. Code Ann. § 12-17-107 as well as any other federal or state regulations. A funded civilian position, other than the required fiscal officer position, must be approved by the Office of State Drug Director.

### **5. Organizational Structure**

#### **A. Authorized Official**

For the State Funded Drug Task Force, the Authorized Official is the Elected Prosecuting Attorney or Local Government Highest Elected Official or appointed designee. The Authorized Official is an authorized representative of the Grantee (applying organization or agency). The Grantee assures and provides oversight of the management and compliance of state and federal grants.

#### **B. Participating Agencies**

Drug Task Forces are required to develop an MOU with all participating parties, including the Prosecuting Attorney. The MOU must delineate the roles and responsibilities as well as provide the details for match for the participating agency.

- (1) The Drug Task Force Commander must be selected and agreed upon by a majority of the participating agencies. This process must be documented in the minutes and submitted to the Office of State Drug Director. This process must be followed in selecting any new or future Commander.

- (2) Drug Task Forces are to have collaborative meetings with their participating agencies at a minimum every two months. For items requiring task force approval, a quorum must be present. Meetings must be documented with attendance and minutes which are forwarded to the Office of State Drug Director for review and compliance.

#### C. Required Personnel

- (1) F/T Drug Task Force Commander – To provide and perform oversight, as well as day-to-day task force operations and law enforcement activities. Funding for this position can be matched from a participating agency as long as it meets the requirements and is documented in the signed MOU. *It must be a full time (equivalent to 40 hours/wk) certified Law Enforcement Officer, selected by the participating agencies.*
- (2) F/T Fiscal Officer – To perform program financial or administrative duties. Funding for this position can be matched from a participating agency as long as it meets the requirements and is documented in the signed MOU. *It can be a civilian or law enforcement officer, but it must be full time (equivalent to 40 hours/wk).*

#### D. Management Structure

- (1) The Office of State Drug Director will be responsible for establishing oversight protocols and performing program monitoring.
- (2) The Arkansas Department of Finance and Administration-Intergovernmental Services (DFA-IGS) will be responsible for the grants' management and administration of the current funding sources that are listed below in accordance with any statutory authority or federal regulations:
  - a. State Drug Crime Enforcement and Prosecution Grant Fund (DCF) (Ark. Code Ann. § 12-17-102 *et seq.*) and
  - b. Department of Justice Non-Victim Assistance Grants.

## 6. Reporting Requirements

Drug Task Forces are to provide monthly or quarterly statistical data, and complete other required reporting by State Drug Director's Office and Department of Finance and Administration Intergovernmental Services (the administering agency). Reports are to be completed in a timely manner and forwarded for review and compliance. The mandated reports and tools are designed to meet any federal or state reporting requirements.

- A. Deconflictions – DTF Commanders shall ensure all task force operations and targets are entered into an approved deconfliction system, such as SAFETNet, provided by the Drug Enforcement Administration (DEA) and/or RISSafe through regional organized crime information center (ROCIC). These accounts, setup, and training can be organized by the Office of the State Drug Director. SAFETNet account setup and training can be organized through the Office of the State Drug Director.
- B. NIBRS – As the Uniform Crime Reporting (UCR) Program comes to a close (January 1, 2021), the National Index Based Reporting System (NIBRS) is the preferred method for the reporting of all DTF activity. Commanders shall take steps necessary to ensure all appropriate DTF case information is entered into NIBRS. If no participating agency within the DTF currently uses a NIBRS based system, the DTF shall notify the Office of the Drug Director to begin the identification process for the acquisition of a system capable of collecting NIBRS data.
- C. FINANCIAL REPORTING – Monthly Reimbursements must be submitted to Department of Finance and Administration Intergovernmental Services (the administering agency). The DTF Utilization Reports shall be reported to Coordinating Council monthly by DFA.
- D. ANNUAL LOCAL MATCH REPORT – An annual match report will be submitted to the State Drug Director to ensure compliance of the required match. The Annual Match Report will include the following: match amount, approved categories, expenditure amounts, type of match (In-kind or Cash), and the source of the match.
- E. PROGRAMMATIC REPORTING – To capture Drug Task Force Performance, monthly and quarterly reports must be submitted to the State Drug Director's Office and the DFA - IGS. The reports must include the various metrics listed below to ensure proper outcomes and measures are being monitored:
  - (1) Number of organizations disrupted.
  - (2) Number of organizations dismantled.
  - (3) Number of drug arrests.
  - (4) Number of drug seizures.
  - (5) Total value of confiscations of street value of drugs seized in dollar amount.

- (6) Number of investigations.
- (7) Number of firearms seized with relations to drug offenses.
- (8) Number of collaborative efforts with other law enforcement agencies.
- (9) Number of deconflictions tracked.
- (10) Number of prescription drugs-Prescription Take Back –collected (pounds).
- (11) Number of community engagement, drug, and opioid overdose prevention, education, and outreach awareness activities conducted by the task force, and the number of participants in those events.
- (12) Number of trainings accessed or attended as well as hosted trainings.

## **7. Training Compliance and Mandated Meeting Requirements**

For State Funded DTFs, the training topics listed below, as well as any other identified trainings and law enforcement certified trainings, are required to be completed by each law enforcement officer paid with grant funds or in-kind. Additional trainings may be identified by the Council and federal or grant partners. Trainings can be met through an agency requirement.

- (1) DTF must attend commander's meetings scheduled by the Office of State Drug Director or other required meetings identified.
- (2) Bureau of Justice Assistance's Task Force Training Requirement: All law enforcement officers associated with the DTF must complete this training as stated, as a Special Condition of JAG.
- (3) Use of Force.
- (4) De-Escalation of Conflict.
- (5) Gender Bias.  
Racial Profiling (Bias toward lesbian, gay, bisexual, other transgendered (LGBT) individuals, or any combination thereof).
- (6) Community engagement (e.g. opioid, community policing, coalitions).

## NOTICE OF RULE MAKING

The Division of Aging, Adult and Behavioral Health Services, of the Department of Human Services, along with the Office of the Arkansas Drug Director, hereby issues, for a public comment period of thirty (30) calendar days a notice of rulemaking for the following proposed rule under one or more of the following chapters, subchapters, or sections of the Arkansas Code: §§ 12-17-101, 12-17-104, and 20-64-1001.

Effective January 1, 2021:

**Background:** Arkansas Code § 12-17-101 et. seq. established the “State Drug Crime Enforcement and Prosecution Grant Fund,” for the purpose of funding state grant awards for multi-jurisdictional drug crime task forces (DCTFs) to investigate and prosecute drug crimes within the State of Arkansas. DCTFs are 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. The enabling statute for DCTFs sets out basic definitions, the grant application and administration process, matching funds, and appropriate use of grant awards. The statutes do not provide a clear, uniform guide for how DCTFs are to operate. As a result, DCTFs around the State vary widely in basic structure and operation which, at times, has made coordination difficult. Additionally, the State has seen a reduction in funding for DCTFs which means it is more important than ever for DCTFs to operate as efficiently as possible.

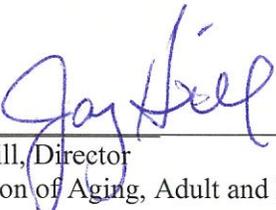
**Uniform Program Operations:** The Office of the Arkansas Drug Director amends its rules to establish uniform, statewide procedures for the operation, budgeting, and reporting as it pertains to state funded multi-jurisdictional drug crime task forces. The purpose of the rule is to build uniformity and increase accountability in the reporting of operations and expenditure of funding, making DCTFs more financially efficient. The rule clarifies the following as to DCTFs: (1) defines and states the objectives of DCTFs per the enabling statute; (2) clarifies local match requirements and specifies allowable use of grant funding; (3) defines the allowable organizational and management structure and personnel for DCTFs; (4) establishes reporting requirements to ensure funding is spent appropriately and efficiently; and (5) establishes mandated meeting requirements and training compliance.

The proposed rule is available for review at the Department of Human Services (DHS) Office of Rules Promulgation, 2nd floor Donaghey Plaza South Building, 7th and Main Streets, P. O. Box 1437, Slot S295, Little Rock, Arkansas 72203-1437. You may also access and download the proposed rule at

<https://humanservices.arkansas.gov/resources/promulgation-of-new-rules>. Public comments must be submitted in writing at the above address or at the following email address: [ORP@dhs.arkansas.gov](mailto:ORP@dhs.arkansas.gov). All public comments must be received by DHS no later than November 9, 2020. Please note that public comments submitted in response to this notice are considered public documents. A public comment, including the commenter’s name and any personal information contained within the public comment, will be made publicly available and may be seen by various people.

If you need this material in a different format, such as large print, contact the Office of Rules Promulgation at 501-396-6428.

The Arkansas Department of Human Services is in compliance with Titles VI and VII of the Civil Rights Act and is operated, managed and delivers services without regard to religion, disability, political affiliation, veteran status, age, race, color or national origin. EL 4501962436

  
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Division of Aging, Adult and Behavioral Health Services