




STATE OF TENNESSEE  
DEPARTMENT OF FINANCE AND ADMINISTRATION  
OFFICE OF CRIMINAL JUSTICE PROGRAMS

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COMMISSIONER

**MEMORANDUM**

JAG/DTF Subrecipients 2015 – 03

**TO:** DTF Subrecipients  
**FROM:**  William Scollon, Director  
Office of Criminal Justice Programs  
**CC:** Burney Durham  
**DATE:** 12/04/2014  
**RE:** Interlocal Agreement Guidance

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As Multi-Jurisdictional Judicial Drug Task Forces (DTFs) begin the process of updating their inter-local agreements for signature, the Office of Criminal Justice Programs (OCJP) is providing the following information in regard to the content, for your consideration.

While DTFs may choose to govern themselves through various forms of legal organization (memorandums of understanding, etc), going forward OCJP will only consider funding DTFs who are created by an interlocal agreement that meets the specifications set out in this memo.

The legal requirements for an inter-local agreement are laid out in TCA 12-9-101 et seq. with the majority of the specific technical requirements of the agreement being described in TCA 12-9-104.

Pursuant to TCA 12-9-104 any such agreement *shall specify* the following:

- 1) **Purpose:** A statement on the purpose(s) of the Judicial Drug Task Force.
- 2) **Precise Organization:** This section outlines the organization of the Judicial Task Force. To comply with TCA 8-7-110 its organization should fall under a District Attorney's Office.

**Board:** The interlocal statute specifically states that *public agencies party to the agreement shall be represented* meaning that, at a minimum, the board should be comprised of those agencies which are part of the agreement.

This section should state *how often* the board regularly meets. It should also denote how voting is handled (typically via quorum). Additionally, refer to the *OCJP Administrative Manual*, JAG Section, Chapter VII to ensure that OCJP board requirements are met.

Due to the inherent liability in administering law enforcement organizations it is the recommendation of the Office of Criminal Justice Programs that Judicial Drug Task Forces *limit their board makeup* to only those agencies whose representatives would be covered by the state liability policy.

Pursuant to F&A Rule 0620-3-5-.05 in order for a board member to be protected by the state's liability policy a board member's agency must furnish funds, personnel, or equipment within the section on **financing** (see below).

**Personnel:** This section should also be used to detail the role and duties of the **task force director** and other administrators. It may include sections on who is responsible for the pay and overtime of assigned officers as well as procedures for their discipline.

The Interlocal Agreement should describe the procedure for the **assignment of personnel** from member agencies to the Task Force.

The **assignment of officers** should comply with TCA 8-7-110:

- 1) The assignment of officers must be made in writing by the chief law enforcement official of the assigning jurisdiction.
  - 2) The assignment of officers must be approved by the board of directors, the governing/advisory board, or the district attorney general.
  - 3) Officers assigned must meet the minimum certification requirements of the POST commission.
- 3) **Financing:** The manner of financing the Multi-Jurisdictional Judicial Drug Task Forces. This should include a plan for financing the organization for the term of the agreement. This section should specify that member organizations shall donate resources to the DTFs. The specific donations may either be denoted in this section or in a Memorandum of Understanding between the DTF and the specific member agency.

This section should state that the Director will bring an annual budget to the board for approval by a specific date and that the director shall bring all budget amendments to the board for their review.

It may also specify budgeting, purchasing, and accounting procedures.

- 4) **Property:** The manner of acquiring, holding and disposing of real and personal property used by the Judicial Drug Task Force.
- 5) **Termination of Agreement:** The method or methods which will be employed upon termination of the agreement. This includes disposing of property or assets which the Judicial Drug Task Force holds.

This section should note that the State shall have the right to approve the disposal of any equipment which it has an interest in (equipment purchased with grant funds).

- 6) **Duration:** The Interlocal agreement should specify the duration of the agreement.

Pursuant to the *OCJP Administrative Manual*, JAG Section, Chapter VII, "... the board of directors must review all MOUs, inter-agency agreements, and inter local agreements **annually**."

- 7) **Other:** Interlocal agreements may contain other matters deemed necessary for the administration of the Multi-Jurisdictional Judicial Drug Task Force.

Pursuant to TCA 12-9-104 (a)(2): Interlocal Agreements must be submitted to and approved by the governing body of any public agency which enters into the agreement. As such, Municipal and County Commissions over the law enforcement bodies involved must approve these agreements.

**It is our expectation that Multi-Jurisdictional Judicial Drug Task Forces who seek funding from OCJP will comply with this guidance on TCA 12-9-101 et. Seq.**