



Grant Requirements Acknowledgement Form for High Visibility Enforcement (HVE) Mobilizations

WEMS Grant ID: **2020-HVE-3767-Washington Traffic Safety Commission**

This document is intended to guide law enforcement agencies, Target Zero Managers (TZM), and Law Enforcement Liaisons (LEL), in conducting overtime mobilizations funded by federal highway safety grant funds to address impaired driving, distracted driving, seat belt use, and motorcycle safety. These requirements are mandatory in accordance with signed HVE Interagency Agreements (IAA), and all exceptions to these requirements must be pre-approved by the Washington Traffic Safety Commission (WTSC) prior to the emphasis patrol(s).

This document highlights the key responsibilities of the SUB-RECIPIENT Project Manager, the WTSC, Target Zero Managers (TZM), and Law Enforcement Liaisons (LEL). This document does not replace the comprehensive information detailed in the IAA. The information in the IAA takes precedence over this document.

Before beginning work on this grant project, the SUB-RECIPIENT Project Manager should thoroughly read and understand the terms of the IAA. This Grant Requirements Acknowledgement Form provides an explanation of some key terms and highlights, but is not comprehensive. If the SUB-RECIPIENT Project Manager has questions after reviewing this document, please contact the WTSC Program Manager assigned to this grant.

When you, the grant Project Manager, acknowledge this document, you certify that you understand the grant requirements and agree to fully comply with the terms and conditions set forth in the IAA, as well as additional federal requirements outlined in the Code of Federal Regulations for Federal Grants and Agreements, as referenced below.

If anything in this document conflicts with the IAA, the IAA takes precedence.

PURPOSE AND METHODS OF HVE:

The objective of HVE campaigns is to change driver behavior by increasing the perceived risk of arrest. To do this, law enforcement agencies deploy saturation patrols – the concentration of a large number of officers in a small geographic area. These patrols should be publicized extensively and conducted regularly, as part of an ongoing saturation patrol program. This is achieved with:

- Increased law enforcement activities targeting specific driving violations. Law enforcement presence must appear to be greater than typical to create a real or perceived omnipresence. The enforcement plan is coordinated by the LEL and TZM.
- Public education and media activities coordinated by WTSC, TZM, and/or LEL

Funding from the WTSC supports overtime law enforcement activities to increase the number of officers enforcing impaired driving, distracted driving, motorcycle and occupant protection laws. The overtime law enforcement activities support the media effort by demonstrating to the public that the media messages are true, i.e. that saturation patrols (with a particular focus) are going on now, so that the public takes the media messages seriously. The media activities support the enforcement effort by encouraging voluntary compliance with the laws.

These funds, designated for salaries and benefits, are intended to pay for the hourly overtime costs and proportional amounts of fringe benefits of commissioned staff pursuing the activities described in the statement of work. These funds may not be used for any other purpose for example any work required to maintain a law enforcement commission including recertification trainings like firearm qualification.

DEFINITIONS:

High Visibility Enforcement (HVE): HVE is a proven strategy to reduce vehicular fatalities in serious injuries. There are 8 main components in the best practice model:

1. The event is planned by a local team
2. The event is data driven. Interest in the event originates by local recognition of a problem and the community's interest in responding to it.
3. The enforcement is multijurisdictional and uses a saturation approach
4. The public is aware of the event before, during, and after the enforcement takes place. It is important to note that these messages must reach all people in the community who use the transportation system.
5. Local media are engaged by the HVE planning team
6. Enforcement is highly visible – clearly more than a typical day.
7. The HVE event is evaluated.
8. The HVE event is supported by deployment of resources in the priority areas throughout the year when HVE is not being implemented.

SPECIFIC REQUIREMENTS:

Before beginning to work on this grant, you must have:

- A fully executed IAA or contract, signed by both parties.
- Attested to the Grant Requirements Acknowledgment Form (this document).

Work cannot begin before October 1, 2019, and before the IAA is signed by all parties.

Period of Performance: October 1, 2019 - September 30, 2020. All work must be completed no later than September 30, 2020.

SELECT CONTRACT PROVISIONS:

Scope of Work: The IAA includes detailed guidance for the allowable activities for this grant. By certifying this Grant Requirements Acknowledgment Form, the contact for the SUB-RECIPIENT for this grant certifies that they have reviewed this section of the IAA. To request changes, the SUB-RECIPIENT will need to send this request to the WTSC HVE Program Manager, and an IAA amendment may be required.

Period of Performance: October 1, 2019 - September 30, 2020. All work must be completed, and goods and services must be received, no later than September 30, 2020.

Compensation:

- All expenses must be incurred between October 1, 2019 and September 30, 2020.
- Expenses cannot exceed the total amount of the agreement, and must fall within the amounts of each budget category as listed in the IAA.
- Funds cannot be moved between planned budget categories.
- Upon agreement between the TZM and all other parties impacted by a proposed budget alteration, the allocation amounts may be increased or decreased without amending the IAA. These alterations must be requested through email communication between all involved parties, including the TZM and the WTSC Fiscal Analyst. Budget alterations should not be approved by the TZM if the proposed funding amounts cause a region's maximum funding amount to be exceeded in any HVE category, unless the WTSC HVE Program Manager pre-approves this budget adjustment.
- WTSC will reimburse for personnel overtime expenses at up to 150 percent of the officer's normal salary rate plus SUB-RECIPIENT's contributions to employee benefits, limited to the following: FICA, Medicare, any portion of L & I that is paid by the employer, and retirement contributions paid by the employer (only if the contribution is based on a percentage of hours worked).
- The SUB-RECIPIENT will provide law enforcement officers with appropriate equipment (e.g., vehicles, radars, breath testers, etc.) to participate in the emphasis patrols.
- Funding can be expended at the discretion of the region's traffic safety task force, so long as the funds are used for their originally intended purpose. Participation in statewide enforcement campaigns should be prioritized when possible.

HVE Mobilization Plans

Task forces are required to submit a plan for each HVE mobilization. This plan includes, but is not limited to, the following items:

- Statement of need
- Law enforcement agencies participating
- Enforcement strategy, including target violation and location(s)
- Communications strategy
- Evaluation plan

Impaired Driving Training Requirements:

The WTSC recognizes that most of the vehicular fatalities involving impaired include impairment by drugs. Because of this, the WTSC prefers officers who work these HVE mobilizations to be DRE or ARIDE trained. However, the minimum requirement for these HVE mobilizations are the following:

- Completed SFST training within the past three years
- Must have current BAC certification
- **Must have made a DUI/DWI arrest within the past twelve months, unless the officer participated in DUI mentoring. An exception to this requirement can be made to the HVE Program Manager.**

DUI Enforcement Mentoring

Statewide DUI and Flex Funding (during DUI mobilizations) can be used to support the professional growth of officers with limited exposure to impaired driving enforcement. With the approval of the region's TZM and WTSC, officers can participate in mentoring for impaired driving enforcement. Requirements for this use of funds include the following:

- WTSC approval for impaired driving mentorship is done through the HVE Mobilization Plan. Approval for mentorship must be received prior to the activity date.
- The training officer must be a Drug Recognition Expert trained officer. TZMs can submit a request for an officer who doesn't meet these requirements to be a mentor. This request must be detailed on the HVE Mobilization Plan.
- There must be a review of the SFST procedure prior to the enforcement activity.
- There is a limit of two times per year that an officer can be a mentee.
- Funds permitting, mentees will participate in at least one impaired driving mobilization after completing mentoring.
- Each region or county-level task force can set additional requirements for participation in this use of funding.
- To be eligible for this activity, the task force must have a policy for DUI Mentoring.
- Funding will pay for overtime for the mentor officer and the mentee officer.

Advance Payments Prohibited: WTSC cannot pay any funds in advance to the HVE mobilization before completing the work.

Agreement Alterations and Amendments:

- Any changes to the terms of an agreement must be mutually agreed upon by both parties and are often incorporated by written amendment to the agreement/contract. Such amendments shall only be binding if they are in writing and signed by personnel authorized to bind each of the parties.
- Exceptions to this include alterations to the budget and the Primary Contact for the agency listed in WEMS. The regional TZM has the authority to make these alterations if all affected parties agree to the changes.

Billing procedure:

The WTSC is currently developing functionality in WEMS to streamline enforcement activity and invoice submission. The WTSC requires that this functionality be used for billing when available. Instructions and requirements for using this functionality will be provided at a later date.

Prior to activity and invoice submission by the SUB-RECIPIENT in WEMS, the SUB-RECIPIENT shall submit monthly invoices for reimbursement to the TZM with supporting documentation, as WTSC shall require. The TZM will submit all approved invoices to the WTSC via WEMS within 10 days of receipt.

All invoices for reimbursement must include the following. Note – this will likely change when the new invoicing process is implemented.

- Form A-19 provided by WTSC or its pre-approved equivalent. The hourly rate of each officer included on the invoice must be identified.
- Emphasis Patrol Log for each officer
- WTSC's Overtime Log or the SUB-RECIPIENT's overtime approval sheets signed by the officer's supervisor

Payment to the SUB-RECIPIENT for approved and completed work will be made by warrant or account transfer by WTSC within 30 days of receipt of such properly documented invoices acceptable to WTSC. Upon expiration of the Agreement, any claim for payment not already made shall be submitted within 45 days after the expiration date of this Agreement. All invoices for goods received or services performed on or prior to June 30, 2020, **must be received by WTSC no later than August 10, 2020**. All invoices for goods received or services performed between July 1, 2020 and September 30, 2020, **must be received by WTSC no later than November 15, 2020**.

Buy America Act: For any manufactured goods over \$5,000, the SUB-RECIPIENT must provide written certification that the goods, including IT software and hardware, were produced in the USA. (This does not normally apply to HVE activities.)

Cost Principles: SUB-RECIPIENT cannot use grant funds to replace routine and/or existing staff or expenditures. Must comply with [2 CFR Part 200 Subpart E](#).

Income: Any and all program income earned by the SUB-RECIPIENT during the grant period from activities conducted as part of the grant (e.g., sale of publications, registration fees, service charges, etc.) must be fully accounted for and applied to project purposes or used to reduce project costs.

Lobbying/ Political Activity: Because this grant uses federal funds, no work being funded by this grant can be used to lobby or otherwise influence state or federal officials, or support or oppose legislation; there is an allowance for "customary state practice."

Records Maintenance: Maintain records pertaining to this agreement for 6 years after grant expiration.

STANDARDIZED FIELD SOBRIETY TEST (SFST) TRAINING REQUIREMENTS:

The agency certifies that all officers participating in these patrols are SFST trained and meet the following requirement:

- Officer must be BAC certified and have passed the SFST refresher training within the prior three years, or
- Officer must have successfully completed Advanced Roadside Impaired Driving Enforcement (ARIDE), or
- Officer must be a certified Drug Recognition Expert.
- **For impaired driving HVE mobilizations, there is one additional requirement: Officers must have made a DUI/DWI arrest within the past twelve months.**

PERFORMANCE REQUIREMENTS:

- All officers participating in HVE patrols are required to attend mobilization briefings if conducted.
- Participating law enforcement officers are required to make a minimum of three self-initiated contacts per hour of enforcement. The WTSC recognizes that some contacts may result in time-consuming enforcement-related activities and that sometimes this performance goal is not possible to attain. Failure to meet the performance goal does not automatically mean reduction in reimbursement for the activity. Officers who do not meet the performance goal should document the reason, will be reviewed by the TZM and LEL.
- Other activities, such as collision investigations or emergency response that are not initiated through emphasis patrol contact WILL NOT be reimbursed. Only traffic safety enforcement and correlated activity is allowable for reimbursement.
- All personnel who work HVE patrols must submit officer Emphasis Patrol Activity Logs to the regional TZM within 48 hours of the end of all shifts worked. The regional TZM will review, approve, and submit the reimbursement to WTSC for payment.

SHIFT LENGTH:

The law enforcement agency involved will not schedule individual officer overtime shifts for longer than eight hours. WTSC understands there may be instances when more than eight hours are billed due to DUI processing or other reasons.

RESERVE OFFICERS:

The law enforcement agency involved will ensure that any reserve officer for whom reimbursement is claimed has exceeded his/her normal weekly working hours when participating in an emphasis patrol and is authorized to be paid at the amount requested. Reserve officers may only be paid at the normal hourly rate and not at the 150 percent overtime rate.

DISPATCH:

WTSC will reimburse communications officers/dispatch personnel for work on these patrols only if the law enforcement agency has received prior approval from the designated TZM.

OTHER REQUIREMENTS:

Project Monitoring:

- **Site Visits:** These are conducted to review performance, compliance, and quality assurance. Site visits will be done at least once annually for all grants over \$100,000 and may be conducted on any grant of any size, if the Program Manager desires.
- Other important information can be shared via external email or WEMS Note message to the Program Manager. In your WEMS grant, click the Notes tab, and select "Note to Applicant". Type your note and click the blue Save button. These updates on achievements, issues, etc. are always welcome!

Promotional Item Purchase Restrictions: No promotional items can be purchased with these grant funds.

Single Audit Requirements: Required of an entity that expends \$750,000 or more annually of federal funds, federal grants, or federal awards; usually performed annually.

Time-Keeping Requirements: When requesting reimbursement for overtime costs, back-up documentation substantiating overtime must be provided.

RESPONSIBILITIES OF INVOLVED PARTIES:

WA Traffic Safety Commission:

- Provide funding.
- Provide state/local traffic fatality and serious injury data.
- Coordinate paid media activities at the state level for statewide and local mobilizations (when possible).
- Lead news media efforts for: Statewide Impaired Driving enforcement campaign, Statewide Distracted Driving enforcement campaign, Statewide Seat Belt enforcement campaign, and Motorcycle Safety enforcement patrols.
- Support news efforts for: DUI, Distracted, and Seat Belt Patrols
- Summarize HVE enforcement activity.
- Report results to the National Highway Traffic Safety Administration.

Target Zero Manager and Law Enforcement Liaison:

- Coordinate mobilization briefings.
- Lead news media and community outreach efforts for local mobilizations.
- Review and approve all IAAs, invoices, and other documentation submitted through the WTSC Enterprise Management System (WEMS), email or other approved submission methods, before submission to WTSC. This includes follow-up on incomplete invoicing

and Emphasis Patrol Activity Logs (such as those with unexplained low contact numbers). This expectation can be modified to better meet the needs of each region with approval from the WTSC HVE Program Manager.

- Facilitate HVE mobilization planning at Target Zero Task Force meetings.
- Submit HVE Mobilization Plan prior to local and statewide campaigns and submit evaluation data within one week of campaign closure.

Law Enforcement Agencies:

- Send a representative to local Target Zero Task Force meetings to plan mobilization locations and exact dates.
- Ensure availability of agency's media contact prior to and during all mobilization dates.
- Provide commissioned police officers (active or paid reserve) with appropriate equipment (e.g., vehicle, radar, etc.) to participate in multijurisdictional HVE patrols.
- Ensure that officers assigned to the HVE campaigns are qualified to enforce the impaired driving laws as outlined in this document.

By checking this box and typing your name below, you certify that you agree to fully comply with the terms and conditions set forth in the Agreement, as well as the requirements listed in this document. Typing your name below constitutes your electronic signature on this document.

I Agree

(Name, Agency, Title)

(Date)