

CHAPTER 11
STRIKE FORCE AND SUPPLEMENTAL ENFORCEMENT ACTIVITIES
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CHAPTER 11

STRIKE FORCE AND SUPPLEMENTAL ENFORCEMENT ACTIVITIES

1. GENERAL.

a. Purpose. The purpose of this chapter is to provide information and establish guidelines for Commercial Enforcement Program (CEP) activities which are funded by federal grants or reimbursable services agreements.

NOTE: A reimbursable service agreement shall not be established with a motor carrier for the purpose of conducting inspections and providing Commercial Vehicle Safety Alliance decals.

b. Scope. This chapter applies to all employees assigned to commercial motor vehicle (CMV) inspection or enforcement activities conducted under a federal grant, a Memorandum of Understanding (MOU) with a state or federal agency, or a reimbursable services agreement with a state agency. Nothing within this policy is intended to preclude departmental personnel from working with other law enforcement agencies as a part of their CEP activities.

2. FEDERALLY FUNDED STRIKE FORCE ACTIVITIES.

a. General. Federally funded special enforcement projects utilize CEP personnel and are focused on CMV-related priorities established by the Department and the Federal Motor Carrier Safety Administration (FMCSA). Currently, federal funds associated with these projects are provided by the Motor Carrier Safety Assistance Program (MCSAP) and High Priority grants.

b. Activity Reporting.

(1) Motor Carrier Safety Assistance Program Strike Force Operations—Reporting. The following procedures provide a uniform accounting of work hours expended and activity resulting from MCSAP strike force operations:

(a) Beat code 859 shall be used on all documents generated from MCSAP-related activity (e.g., CHP 415, Daily Field Record; CHP 215, Notice to Appear; CHP 281, Notice to Correct Violation). Personnel utilized on MCSAP strike force operations shall use beat code 859 as their designated beat on all required forms and documents.

(b) Any nonuniformed personnel utilized for MCSAP strike force operations shall put the corresponding special code in the “Comments”

section of the CHP 71, Attendance Report. The approved CHP 71 shall be submitted to the Commercial Vehicle Section (CVS) MCSAP coordinator by the 10th of the month following the MCSAP strike force operation.

(c) In the "Officer's Detailed Work Summary" of the CHP 100, Officer's Evaluation/Activity Summary, the employee should indicate the dates of MCSAP strike force operations they were involved in, and the number of inspections the employee conducted and/or citations issued.

(d) While working MCSAP strike force operations, all personnel (e.g., sergeants, officers, Commercial Vehicle Inspection Specialists [CVIS], Motor Carrier Specialist [MCS] Is) shall complete a CHP 415, in the following manner:

1 The CHP 415 shall be used to collect accurate and complete information regarding inspections, as well as any other activity performed during a MCSAP strike force operation (e.g., motorist services, partner assistance, briefing, debriefing).

2 The start time and elapsed time shall reflect, as near as practical, the actual time expended on the inspection and/or other activity for all CHP 415 entries.

3 The beat code, primary activity code, and activity/comments shall be recorded for all CHP 415 entries.

4 The type of inspection (e.g., CEP Level I, II, or III) shall be documented within the "Primary Activity" section of the CHP 415.

5 Nonuniformed personnel shall use the CHP 415 provided with the applicable MCSAP funding distribution memorandum. The CHP 415 shall indicate what strike force/MCSAP-related activity was performed in the "Activity Comment" portion of the CHP 415. If an inspection is completed, the level of inspection, license plate number, and state shall be included on the CHP 415. Any MCSAP-related time documented on a CHP 415 shall be consistent with time documented on the CHP 71.

6 Only the appropriate supervisors/managers shall approve MCSAP-related CHP 415s. **Under no circumstances shall an approver be the same rank as the employee submitting the CHP 415; approvers shall be at least one rank higher than the person whose CHP 415 they are approving. Approvers shall not approve their own CHP 415s.**

7 Division MCSAP coordinators are to ensure CHP 415s associated with any MCSAP grant are submitted in accordance with the grant requirements and as described in this chapter. The Division MCSAP coordinator and CVS shall return any MCSAP CHP 415 that is missing required information or contains identified errors.

(e) At the completion of each MCSAP strike force operation, the field Division MCSAP coordinator shall ensure a Strike Force Summary Report and a Strike Force Personnel Roster are completed, as specified in the annual MCSAP grant activity and funding distribution memorandum. These documents are to be submitted to the CVS MCSAP coordinator within five business days of the conclusion of the MCSAP strike force operation.

1 The activity/statistics documented on the summary reports shall be consistent with activity documented on the CHP 415s and accurately reflect documents generated during the MCSAP strike force operation (e.g., CHP 407F/343A-inSPECT, Driver/Vehicle Examination Report; CHP 215; CHP 281).

(f) A completed CHP 202, Driving Under the Influence Arrest – Investigation Report, page 1, or CHP 216, Arrest – Investigation Report, page 1, shall be submitted along with the Strike Force Summary Report for each arrest made during a MCSAP strike force operation.

(g) All enforcement activity generated by MCSAP strike force operations shall be credited to the CHP Commercial Vehicle Enforcement Facility (CVEF)/Division where the MCSAP strike force operation occurred.

(2) Motor Carrier Safety Assistance Program Grant-Funded Designated Personnel and Vehicles—Reporting. The following procedures provide instructions to account for work hours expended and vehicle mileage driven for designated personnel and vehicles completely funded by the MCSAP grant:

(a) Grant-funded designated personnel are required to work full-time. Designated personnel funded by the MCSAP grant shall be removed if they are on limited duty, on leave as defined in Section 4800.5 of the California Labor Code, or no longer certified to conduct North American Standard (NAS) Level I inspections. Additionally, labor union-related activities are not eligible for reimbursement through the MCSAP grant. If changes to the designated personnel roster are necessary, a memorandum shall be sent to CVS, attention: MCSAP grant coordinator.

(b) Grant-funded designated uniformed personnel shall complete a CHP 415 for all regular time worked. Additionally, all activity shall be documented as described in paragraph 2.b. The approved CHP 415s for the entire month shall be routed to CVS, attention: MCSAP grant coordinator, no later than the 10th day of the following month.

(c) All grant-funded designated personnel are required to complete a CHP 744, Employee Time Certification (Grantees/Subgrantees), prior to the period covered by the certification, on a semiannual basis. The approved CHP 744 shall be routed to CVS, attention: MCSAP grant coordinator.

(d) All grant-funded designated personnel and personnel operating a MCSAP grant-funded vehicle shall complete a CHP 33, Driver's Equipment Check, whenever the vehicle is used. An asterisk (*) shall be entered on entries denoting non-MCSAP grant mileage driven during the calendar month. Copies of the CHP 33 pages shall be routed to CVS, attention: MCSAP grant coordinator, no later than the 10th day of the following month.

c. Strike Force Operations Procedures and Staffing.

(1) Expenditures. A portion of the MCSAP grant provides funds to conduct CMV, non-CMV affecting CMV, farm labor vehicle, hazardous materials, and passenger vehicle MCSAP strike force operations. To ensure this category of the budget stays within its allotment, each field Division will be given a designated amount of funds via a distribution memorandum from the Office of Assistant Commissioner, Field.

(a) Court overtime incurred as a result of MCSAP strike force operations will be charged to the respective Area.

(b) Requesting a Control Number. The type of strike force (e.g., hazardous materials, passenger vehicles, high-crash corridors), date of strike force, location, approximate cost, and number of staff shall be indicated when a control number is requested.

(c) **Prior** to each MCSAP strike force operation, a control number shall be obtained by the Division commercial coordinator from the CVS MCSAP grant coordinator. Any overtime incurred without an assigned control number **will not be paid** by MCSAP grant funds. Unauthorized MCSAP strike force operations will be charged to the Area's overtime allocation.

(d) Only commercial personnel who are currently qualified and certified to conduct inspections in accordance with departmental, FMCSA, and Commercial Vehicle Safety Alliance policies shall participate in activities related to MCSAP strike force operations. (Personnel who do not possess the qualifications and certifications referenced above may still participate in non-CMV strike force operations.) If a commercial-certified sergeant is unavailable, commanders may allow a noncertified sergeant to participate for supervisory purposes.

(e) Any other expenses associated with MCSAP strike force operations not mentioned in this chapter shall have prior written approval from CVS.

(f) All supporting documents (e.g., CHP 415, CHP 215, CHP 281, CHP 71, California Automated Expense Reimbursement System Global documents) for overtime worked in conjunction with MCSAP strike force operations shall have the grant number, a strike force control number, and a special project code listed.

(2) Location. These inspections are normally conducted on remote or secondary highways with high volumes of CMV traffic, areas designated as high crash corridors, or construction zones. Some locations are chosen in an effort to inspect vehicles that are attempting to circumvent or would not normally pass through fixed inspection/platform CVEFs.

(a) Additional factors to be considered include:

1 Anticipated traffic volume.

2 Hazards, including, but not limited to, adverse weather conditions.

3 Parking for vehicles placed out-of-service for repair.

4 Services available at the inspection site (e.g., refreshments, restrooms, repair facilities).

(b) Any MCSAP strike force operations on federal lands, private property, and American Indian reservations or rancherias shall be conducted in compliance with HPM 100.67, Law Enforcement Assistance and Interjurisdictional Operations, and HPM 11.1, Administrative Procedures Manual.

(3) Personnel Requirements. All MCSAP strike forces should include, at minimum, one sergeant or officer-in-charge, and two additional officers.

Additionally, one of the involved personnel should be designated as a safety officer prior to beginning operations. The number of personnel deployed depends on the targeted types of vehicles, the type of strike force, and the size of the MCSAP strike force operation. All personnel performing NAS inspections shall be currently qualified and certified as outlined in Chapter 16, Commercial Enforcement Program Training, of this manual. Personnel use is not limited to those mentioned in this chapter, nor is it required that all personnel listed be utilized. The following departmental personnel may be involved in conducting MCSAP strike force operations:

- (a) Officer.
- (b) CVIS.
- (c) MCS I.
- (d) Sergeant.
- (e) Canine team (officer and dog).
- (f) Other nonuniformed staff.

(4) Duration. Strike force operations are to be coordinated with the Division MCSAP coordinator. The following are factors to consider when scheduling a strike force:

- (a) Number of days.
- (b) Anticipated personnel hours.

1 Overtime. Overtime is defined as the hours of strike force participation outside a regular work shift. Overtime necessary to conduct the strike force may be charged to the MCSAP grant.

(5) Number of Inspection Lanes. The number of lanes used to conduct inspections will vary according to location, personnel, and type of vehicles to be inspected. At least one lane should be established in each direction for MCSAP strike force operations, if possible.

3. SUPPLEMENTAL ENFORCEMENT ACTIVITIES.

a. General. The Department has CMV supplemental enforcement agreements and MOUs with state and federal agencies. Copies of current agreements and MOUs are located within the Commercial Commander's Desk Reference (CCDR).

The CCDR is located on the CHP Intranet site under Resources ➤ Commercial ➤ Commercial Commander's Desk Reference.

b. Roles and Responsibilities. The roles and responsibilities of departmental personnel participating in supplemental enforcement activities are included as part of the agreements and corresponding MOUs. Prior to beginning operations, departmental personnel shall have a clear understanding of their own role and responsibilities, the role and responsibilities of the other agencies involved, and the authority being used to conduct the inspection.

(1) Each CMV inspected during these operations should receive, at minimum, a NAS Level III inspection, when practical. Departmental personnel should make an effort to be involved with vehicle inspections conducted by allied agencies during these operations (e.g., California Air Resources Board [CARB] personnel checking vehicle emission systems while an officer works on completing the NAS Level III inspection). Unless violations are discovered, the activities of the other agency should take no longer than the time it takes departmental personnel to complete the required NAS inspection. An officer should make the first contact with the operator of the CMV and should be present throughout the CMV inspection.

(2) Officers shall not provide driver's license, medical card, registration, or any other confidential information to a non-law enforcement agency or their personnel without the consent of the driver of the vehicle being inspected unless the allied agency has specific legal authority to receive the document(s).

(3) Officers may, using sound, professional judgment, take appropriate enforcement action on the violations found by personnel from the other involved agencies (e.g., an officer writes a citation for an illuminated malfunction indicator light on a heavy-duty truck after CARB personnel alert the officer to the violation). The officer shall personally observe the violation prior to taking enforcement action. Any enforcement action shall be conducted in accordance with departmental policy.

c. Monthly Reporting.

(1) Commands participating in supplemental enforcement activities which are funded by another agency shall submit the following forms in accordance with HPM 11.1, Chapter 6, Reimbursable Services, via e-mail to CVSContracts@chp.ca.gov, by the 10th of the month following the supplemental enforcement activity:

(a) CHP 312, Safety Services Program Task Order.

(b) CHP 313, Safety Services Program Daily Report.

(c) CHP 415.

(d) If departmental aircraft are utilized, a CHP 467, Billing Memorandum - Reimbursable Services, shall be completed.

(2) Commands shall not submit the above documentation directly to Fiscal Management Section (FMS) due to billing limitations contained in each agreement. Commercial Vehicle Section shall compile and submit the forms to FMS in accordance with applicable agreements.