



# SUPREME COURT OF APPEALS OF WEST VIRGINIA

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## Vehicle Use Division of Probation Services

### 1. Introduction

#### 1.1 Overview

The Supreme Court of Appeals of West Virginia (“the Court”) through its Division of Probation Services (“DPS”) establishes this policy on vehicle use for Probation Officers. Probation Officers use their personal vehicles for employment duties; however, the DPS provides these guidelines pertaining to when the Officer shall use their vehicle, mileage reimbursement, limitations on use of the vehicle in the Officer’s official capacity, and partnership with law enforcement.

Violations of this policy may result in disciplinary or other corrective action, up to and including immediate employment termination. Address any questions regarding this policy to the Director of DPS (or designee). This policy is guidance for Probation Officers, and does not create or confer any right, privilege, or benefit for any person, party or entity. *United States v. Caceres*, 440 U.S. 741 (1979). This policy is subject to modification by the DPS, and any updates shall be communicated to the Probation Offices in a timely manner.

#### 1.2 Terms

This policy uses the following defined terms:

- (a) *Employment checks*. To the extent a probationer or other supervisee is employed, the Probation Officer may visit the individual’s place of employment to verify employment or for other reasonable supervision purposes.
- (b) *Home visits*. The Probation Officer will routinely visit the probationer or other supervisee at his or her residence for supervision purposes.
- (c) *Ride alongs*. This term refers to law enforcement allowing Probation Officers to accompany them in their vehicles where the sole purpose of the venture is to further law enforcement missions or patrol, and where there will be no probation or other court supervision-related activities conducted.

### 2. Personal Vehicle

#### 2.1 Job Duties

The Court does not issue vehicles to Probation Officers. As such, Probation Officers are required to use their personal vehicles during the course of their employment in order to complete job responsibilities. Examples of such duties include, but are not limited to, home visits, employment checks, and court hearings. **At no time will a probationer or anyone under Court supervision ride in a Probation Officer’s personal vehicle.** If an arrest is

needed, the Probation Office shall contact local law enforcement, as Officers are not permitted to transport offenders.

Probation Officers may also be required to utilize their personal vehicles to attend work-related meetings and / or trainings. Probation Officers are encouraged to carpool to reduce the cost to the State.

## **2.2 Safety Considerations**

While the Probation Officer is operating their vehicle during their employment capacity, vehicles shall be driven in a lawful and reasonable manner. Vehicles should not be driven in excess of the speed limit with all driving laws being followed. The use of seatbelts is mandatory while operating the vehicle for Court business, as per state law.

While the Probation Officer is utilizing their personal vehicle for employment duties, he or she shall not have unauthorized passengers (e.g., family members or other members of the public) in their vehicle.

## **2.3 Compensation**

When Officers must use their personal vehicle for work related activities, they will be reimbursed the federal mileage rate. This rate is determined by the U.S. General Service Administration and is located at <https://www.gsa.gov/travel-resources>. This mileage may change throughout the year, so always ensure you are requesting the proper amount.

The mileage compensation you receive is all-inclusive (i.e. gasoline, wear and tear, insurance premium and deductible).

If your mileage is in addition to other reimbursements such as meals, use the travel expense form and submit as soon as you return from the travel. If the mileage is due to home and site visits, etc... then this is to be documented on the "Travel Expense Form" and submitted monthly.

# **3. Riding with Law Enforcement**

## **3.1 Permission**

There may be circumstances during the course of work in which riding with a law enforcement officer may be either necessary or more practical. Probation Officers may only ride with a law enforcement officer if the Chief Judge of the Circuit has given express written approval through a local administrative order.

## **3.2 Guidelines**

The following are the guidelines that must be followed in the event the Chief Judge permits Probation Officers to ride with law enforcement.

- a. There must be a purpose. Riding with law enforcement should be an exception, not a routine occurrence.
- b. The Chief Probation Officer is to be notified prior to each situation where a Probation Officer rides with law enforcement.
- c. Riding with law enforcement should be scheduled as far in advance as practicable, and the Probation Officer shall have a general plan. This is especially important if there is a chance the law enforcement officer may be pulled away for any given reason. At no time shall a Probation Officer be left stranded. Examples of ways to avoid this type of situation are:
  1. Meet in a location that is safe and close to the home to be visited, or the Probation Office.
  2. Plan in advance so that there are other officers on duty to respond to a call if needed.
  3. Ride only with bailiffs or home monitoring officers from the sheriff's department.
- d. **At no time shall a Probation Officer act in a law enforcement capacity or give the appearance of being a law enforcement officer.** A Probation Officer shall never be used as an extra law enforcement officer. Probation Officers will only engage in activity that is within the scope of his/her duties. However, nothing in this policy prohibits an officer from taking the action necessary to protect him/herself and/or others from harm consistent with the Use of Force policy.
- e. "Ride Alongs" with law enforcement are strictly forbidden.
- f. Do not engage in a situation where the law enforcement uses Probation to gain entry into a home in which they legally would not have been able to enter without probable cause and a warrant.

Note: A Probation Officer should be mindful that he or she should always strive to maintain a good rapport with law enforcement, as the Probation Office relies on law enforcement for transporting offenders or for providing additional security for the Probation Officer while conducting field activities. However, the Probation Officer should also be mindful that a law enforcement presence during home visits may affect the rapport between the Probation Officer and the supervisee.