



SUPREME COURT OF APPEALS OF WEST VIRGINIA

Mobile Radio Unit Storage and Use Policy 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 the Storage and Use of Kenwood NX-5800 45 Watt Mobile Radios (“mobile radios”) and the State Interoperable Radio Network (“SIRN”). Pursuant to West Virginia Code § 62-12-6, Probation Officers shall supervise probationers and enforce the terms and conditions of probation and “[u]se all practicable and suitable methods to aid and encourage the probationer to improve his or her conduct and condition[.]” Probation Officers occasionally find themselves in situations where they are outside the range of cellular or internet communication while conducting visits at probationers’ homes and other relevant locations, they need the ability to communicate with emergency services in the event of a dangerous situation or if the Probation Officer needs law enforcement to respond and transport a probationer. For this reason, the DPS has acquired and shall distribute radios for the Probation Officers’ use as described below. This is a pilot program and will only involve select judicial circuits, including Probation Officers from the Fifth, Eleventh, Twentieth, Twenty-Second, and Thirtieth Judicial Circuits.

Violations of this policy may result in disciplinary or other corrective action, 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. 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) *Field Activities.* Duty assignments and/or tasks that place or could reasonably be expected to place Probation Officers in situations where they would be required to act in an enforcement capacity, rather than administrative or support capacity, up to and including home visits.
- (b) *Talkgroups.* Digital channels over which multiple users can communicate.

2. Training and Maintenance.

2.1 Training.

All Chief Probation Officers or their designees from the enumerated pilot sites shall be trained by the DPS in the storage, temporary installation, and use of the mobile radios—including how to install and detach the antenna, what sounds and cues to expect when using the radio, how to better the reception, and how to search talkgroups and channels. The DPS shall work with the West Virginia Division of Corrections and Rehabilitations (“DCR”) to

provide initial training for the Chief Probation Officers or their designees. The DPS shall henceforth select certain Court employees as programmers and trainers. This programming and instruction training is to be provided by the Division of Homeland Security and Emergency Management.

All Probation Officers who will be using the mobile radios should view the WV SIRN website, <https://sirn.wv.gov/Pages/Welcome.aspx>, and get a baseline familiarity of the system and how it works.,.

2.2 Issuance and Storage.

After the Chief Probation Officer or his/her designee has been trained by the DPS and the DCR, Probation Offices in the pilot judicial circuit shall be issued Kenwood NX5800 45 Watt Mobile Radios with its antenna, coaxial cable, power cord, and case. The DPS and Chief Probation Officer shall catalog and record the serial numbers of the mobile radios. The Chief Probation Officer shall further record when each Probation Officer takes the mobile radio into the field. The mobile radio should be kept in a secure place in the Probation Office when not in use by a Probation Officer.

The Probation Officer shall not intentionally or willfully damage the mobile radio, and may be subject to discipline and/or responsibility to pay for the repairs of the mobile radio.

For further discussion on the care and maintenance on the radio, Probation Officers are to speak with their Chief Probation Officer or his/her designee who attended the initial training and review the provided link to West Virginia SIRN website. Chief Probation Officers may contact the Director of DPS with any further questions.

3. Usage

These mobile radios are intended for use in vehicles, but because Probation Officers utilize personal vehicles for field activity, the following is pertinent information for properly using the radios without causing damage to either the radio or the vehicle.

As stated in 2.2, the mobile radio unit includes a case, along with the radio's antenna and coaxial cable and a power cord. The radio should be kept in the case at all times and secured while the vehicle is in motion. The officer shall provide a safe and secure location free of movement for the radio unit and mic, where he or she can easily reach and use it. An option could be to put the radio in the passenger seat and loop the seatbelt through the handle of the case. *When the radio is powered on, keep the case cracked open to allow the heat generated by the radio to escape.*

To power on the radio, connect it *via* the power cord to the vehicle's power supply outlet. If the vehicle does not have an outlet, use the cigarette lighter, but *be aware that the cigarette lighter may not support the wattage produced by the radio.* Additionally, **do not power on the radio *until after* the antenna is attached.**

The antenna has a large magnetic base, and this should be the part of the antenna that is handled. For best reception, the antenna should be attached to the center of the roof of the vehicle (if you have a car with a sunroof or glass roof, select a different metal point of the

vehicle). Before attaching the antenna to the car, be sure the magnet is clean, and that the point of the car where you will place it is also clean. Place the magnet on the car, and do not slide the magnet. When removing the antenna, lift straight up from the magnet—do not pull on the antenna, and again, do not slide the magnet. Failure to follow these steps could result in scratching the paint on the car, or breaking the antenna.

The antenna is attached to the radio with a coaxial cable that will run from the antenna on the outside of the vehicle to the radio on the inside of the vehicle. Do not feed the cable through the door and close the door on the cable, as this will cut the cable. Instead, feed the cable through an open window, and close the window gently to the cable to secure it (but not enough to damage the cable).

4. Policy Standards.

The mobile radio is intended to provide the Probation Officer with additional ability to contact first responders and other emergency personnel in the event of a dangerous situation, or to contact law enforcement to transport a probationer the Probation Officer has arrested. However, Probation Officers have been issued two public talkgroups over which they may communicate among themselves. These are not private encrypted talkgroups, and as such, Probation Officers are encouraged to refrain from communicating about tactical matters on these talkgroups.

In each judicial circuit, the Chief Probation Officer shall contact local law enforcement and the local 911 Centers and determine which talkgroup their Probation Office should communicate on to reach emergency personnel and law enforcement and how to appropriately identify themselves on the talkgroup. If a Probation Officer misuses the SIRN talkgroups or communicates in an unprofessional manner, the Probation Officer shall be subject to discipline, up to and including termination. All conversations and communications on the SIRN are recorded, and each mobile radio transmits its own unique numerical identifier.

Moreover, as this is a pilot program, Probation Officers are required to document each time the mobile radio is used. The documentation shall include the user's name, the date of the communication, who the user was contacting, and the purpose of the communication. The DPS shall receive this information at the beginning of each month and submit it to the Court in order to determine the efficacy and need for the mobile radios.