MEDINA POLICE DEPARTMENT
GENERAL ORDER

ORDER NO: 2019-047 **SUBJECT:** Controlled Tire Deflation Devices

EFFECTIVE DATE: Sept. 20, 2019 **RESCINDS ORDER NO:**

DISTRIBUTION: Sworn Police Personnel

PURPOSE: The objective of this General Order is to establish a policy for the utilization of controlled-deflation devices.

I. **POLICY**: The policy of the Medina Police Department is to ensure the safety of all officers, citizens, and suspects when using the tire deflation device. Careful consideration shall be made in regards to the circumstances, alternatives, and consequences for each individual situation.

II. **DETAILS:**

A. **Description and Utilization**

1. Vehicular pursuits can pose serious hazards for the public as well as for law enforcement personnel. Pursuit incidents are sometimes critical because of potential unforeseen risks to other motorists; the violator may not be apprehended for some distance; too many law enforcement vehicles may be involved in the pursuit, etc. One alternative in an attempt to lower some of these risks, is the use of controlled-deflation devices. With the use of controlled-deflation devices, pursuits may be reasonably terminated by immobilizing the fleeing vehicle in a relatively safe and effective manner.

2. Public safety, the safety of the deploying officer, other police officers, and the suspect, must be top priority whenever deployment is considered. It is better to relocate the equipment than to put anyone at risk.

3. The controlled-deflation device is an effective tool designed to stop a vehicle by deflating pneumatic tires (tubes or tubeless type). The device is designated to be placed across the roadway (or other path of the fleeing vehicle) so that when a vehicle passes over it, the hollow spikes penetrate the tire(s) and pull free from the bar. The tires are then deflated at a controlled rate, resulting in the reasonably safe immobilization of the vehicle. The Medina Police Department uses the 15.5’ Stinger Spike Strip, and Stinger Rat Trap Systems. The Stinger Systems are assigned to the patrol vehicles and are to be kept in the cargo area.

a. All users of the controlled-deflation device must receive training in the use of the device.

1. Initial training shall consist of viewing the training video, receipt of Stinger Spikes Training Manual and Department Policy, demonstration of the unit, and time for officers to practice deployment and recovery.

a. Periodic review of materials and demonstration of Officers deployment capability will be coordinated by the training dept.

B. **Use of Controlled-Deflation Devices**

1. The use of a controlled-deflation device will (almost always) be construed as a seizure of a free-person, and therefore implicate the Fourth Amendment's objective reasonableness standard. Therefore, the principal standard for deployment of a controlled-deflation device is "object reasonableness" under the totality of the circumstances.

2. Officer Safety:
   a. The safety of all officers involved is paramount. Officers and vehicles should be in a safe position, usually off the roadway, and out of harms way. Tire deflation units should not be deployed if the officer's safety is questionable.

   b. The officer deploying the controlled-deflation device should do so from a position of relative safety. The use of barriers may conceal the officer from the violator's view and allow deployment of the device in a relative safe position.

   c. The deploying officer should be in position at a predetermined location to allow sufficient time for proper deployment. <u>DO NOT</u> overtake a fleeing vehicle being pursued at a **high rate of speed** in an attempt to set up a spike system deployment. **A rushed deployment is often ineffective and dangerous!**

   d. **Escape route:** The deploying officer must have an escape route planned in the event that the suspect tries to run him/her down, or tries to drive around the spike unit.

   e. Pursuits often take place during the hours of darkness. It is recommended that officers practice deployment methods in the dark, so that they can become familiar with the difficulties in judging distances and identifying the suspect's vehicle. The audio on the radar may be used to indicate the proximity of the suspect, should the suspect attempt to drive without headlights.

3. The type of vehicle being pursued must be considered prior to the deployment of the tire deflation system.

   a. Controlled-deflation devices WILL NOT be used to stop fleeing motorcycles, unless the use of deadly force is objectively reasonable, as stated in the Stinger Training Manual.

   b. Carefully consider the deployment of spike systems on passenger buses, school buses, hostage situations, or vehicles transporting hazardous materials. The use of a tire deflation device may pose an increased hazard in these situations.

C. Deployment of Controlled-Deflation Devices-Fleeing Vehicles

1. **Authorization**: Recognizing that vehicle pursuits are very serious, rapidly occurring and evolving situations, Officers should obtain permission for deployment from an on duty Supervisor/OIC. Coordination should also be made with Officers/Supervisors from outside pursuing agencies as well.

2. PRE-PLANNING and strategy should go hand in hand when pursuing a suspect to ensure a safe and effective end of the pursuit. A successful deployment strategy can be developed while on routine patrol. Officers should seek out and identify locations that afford the highest level of cover and concealment and provide an element of surprise. The choice of the location should be made with the following in mind:

   a. Adequate sight distance in all directions to enable officers deploying the spike system to observe the suspect vehicle and other traffic as it approaches.

   b. Traffic conditions, population density, and road construction.

   c. Natural barriers such as overpass pillars, guardrails, shrubbery, trees, and bridge abutments offer some degree of protection and concealment.

   d. Darkness provides a degree of concealment, but can make it difficult to judge distances, lane coverage, and identify the suspect vehicle.

   e. The use of emergency lighting can defeat the element of surprise unless the patrol vehicle is placed in a strategic position.

   f. Certain roadway configurations such as steep embankments, curves, and hills should be avoided.

g. Although it is not recommended, in areas that do not offer natural or man-made barriers, patrol vehicles may offer some protection while deploying the spike system, although it is better than nothing, it is not ideal. Officers must have the understanding that it is possible for the fleeing suspect to intentionally or accidently impact the patrol vehicle, causing an extreme safety risk to the deploying Officer.

3. When the fleeing vehicle approaches, the operator may place the device onto a surface in the path of the fleeing vehicle.

   a. If an uninvolved vehicle, other than a fleeing vehicle, is so close that it will foreseeable run over the controlled-deflation device, the officer should:

      1. Make reasonable effort(s) to avoid this situation. However, even if the officer cannot avoid the situation, the officer is still authorized to reasonably position the device(s).

      2. Contact the motorist as soon as possible, explain the situation, assist him/her in obtaining repair or tow assistance, and direct him/her to the Police Department for availability of compensation for vehicle damages.

4. After the fleeing vehicle passes over the controlled-deflation device:

   a. As soon as practicable, remove remaining devices from the roadway.

   b. Wait for the pursuing law enforcement vehicles to pass the deployment location.

   c. Provide arrest assistance as reasonable and necessary.

   d. Notification of the pursuit and spike deployment will be made to the Chief and Lieutenant as soon as possible.

   e. See that the device is placed in the carry case and returned to the cargo area of the patrol vehicle; Make arrangements for a Stinger Instructor to replace spent spikes.

5. Communications:

   a. The operator of the controlled-deflation device must have a functional portable radio.

   b. The pursuing officer(s) and dispatcher(s) will, as reasonable, keep all directly involved personnel informed of the pursuit.

6. It is the primary responsibility of the officer initiating a pursuit to ensure the safety of the public, other police officer(s), themselves, and the patrol unit. A PURSUIT WILL ONLY BE INITIATED WHEN A LAW VIOLATOR CLEARLY DEMONSTRATES THE INTENTION TO AVOID ARREST. IMMEDIATELY UPON INITIATING A PURSUIT, THE DISPATCHER AND APPROPRIATE SUPERVISOR SHALL BE NOTIFIED.

   a. Information reported shall include:

      i. The officer's badge number
      ii. Reason for pursuit
      iii. Route and direction of travel
      iv. Description of pursued vehicle
      v. Occupant(s) description
      vi. Weapons involved, if any
      vii. Direction and areas being approached (to be reported as frequently as safety permits).

7. When nearing the controlled-deflation device deployment location, the pursuing officer(s) and the device-deploying officer must maintain communications. **The pursuing officer(s) must back off sufficiently to allow the device to be cleared from the roadway.**

D. Deployment of Controlled Deflation Device - Stationary Vehicles

1. Controlled deflation devices may be used to seize a person/vehicle when reasonably necessary to prevent a vehicle from being moved by a suspect attempting to flee a scene. As stated above, this seizure must be objectively reasonable in accordance with applicable search and seizure law.

2. This use of tire deflation devices on stationary vehicles, depending on the situation, may be conducted with the 15.5' Stinger Deflation device, or the single tire deployment of a Stinger Rat Trap.

E. Deployment of Single Tire Deflation Devices – Stinger Rat Trap

1. The primary application for the Stinger Rat Trap is to prevent vehicle pursuits before they start, most often used in controlled deployments such as traffic stops.

2. Use of a Rat Trap should be authorized by the shift Supervisor or OIC. They will not be used on typical standard traffic stops. Officers wanting to deploy the Rat Trap should be able to articulate additional reasoning for fear of flight in relation to situations such as:

   a. Probable cause for a custodial arrest
   b. Drug Investigation

c. DWI Investigation
d. Warrant subject
e. History of flight by the suspect
f. Suspicion of False Personation
g. etc.

3. Whenever possible, two Officers should be present when deploying the Rat Trap. If there is reason to deploy the Rat Trap, the Contact Officer shall immediately request a back up unit to respond and delay further contact until their arrival.

   a. Communication between the Contact Officer and the Cover Officer prior to, during, and after deployment of the Rat Trap is **essential.**

   b. Deployment: The cover officer should attempt to COVERTLY deploy the Rat Trap **just in front of the passenger side rear tire**. This may be done during interaction between the driver and the contact officer.

   c. Contact: Officers will conclude the contact/investigation, likely resulting in either detention, or release of the subject. During detention, a third party may be authorized to operate the vehicle from the scene, or the vehicle may be towed. Although there are countless possible scenarios involving both release and detention of the driver, deployment of the Rat Trap should always remain a constant priority.

   d. Recovery: Both Officers should work together to insure proper recovery of the Rat Trap. If applicable, the Contact Officer will convey a pending release of the subject to the contact officer, and notify them that the Rat Trap can be recovered. If the subject is arrested or detained, recovery may be made by either the contact or deploying officer prior to allowing the vehicle to be moved or towed.

By Order Of:

Chad Kenward
Chief of Police