



**Ohio Attorney General's Office
Bureau of Criminal Investigation
Investigative Report**



2026-2448

Officer Involved Critical Incident - 613 Orange Street,
Conneaut, Ohio 44030 Ashtabula County

Investigative Activity: Use of Force Policy Review
Involves: Ashtabula County Sheriff's Office (O)
Activity Date: 07/06/2026
Activity Location: BCI - Richfield
Authoring Agent: SA Daniel P. Boerner #135

Narrative:

On Monday, July 06, 2026, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Dan Boerner reviewed the Use of Force Policy utilized by the Ashtabula County Sheriff's Office (ACSO) at the time of this incident. The documents received are attached to this investigative report for further review.

References:

None

Attachments:

1. Collaborative Policy UOF & Chokehold eff 12521
2. OCJS Collaborative Cert. UOF

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**ASHTABULA COUNTY SHERIFF'S OFFICE
POLICIES AND PROCEDURES**

SUBJECT: Use of Force

POLICY NUMBER: 14.9

ISSUE DATE: 01/25/2021

REVIEW DATE: TBD

APPROVAL AUTHORITY: W.R. Niemi, Sheriff

POLICY

The purpose of this policy is to direct staff members of the Ashtabula County Sheriff's Office in the appropriate use and reporting of force.

DEFINITIONS

Active Aggression

A subject is actively aggressive when he or she is exhibiting behavior which creates an imminent risk of physical injury to a staff member or another person, but would not lead a reasonable officer to perceive a risk of death or serious bodily injury. Examples may include but are not limited to an attack on a staff member or other person consisting of strikes, wrestling, undirected strikes with injury potential, kicks, shoves, or punches. Examples also include words or behavior such as pre-assault cues that clearly indicate that such an attack is imminent.

Active Resistance

A subject is actively resisting when he or she takes affirmative action to defeat a staff member's ability to take him or her into custody.

Authorized Weapon

A weapon approved by the Sheriff or his designee for carry or use by a staff member. No weapon is authorized for carry or use by a staff member unless the Sheriff or his designee expressly approves it and the staff member has demonstrated proficiency with the weapon in accordance with department policies.

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Chemical Agent	A weapon capable of temporarily incapacitating a person through the controlled release of some chemical or irritant.
Chokehold	Any application of direct pressure to the throat, windpipe, or airway of another person with the intent of reducing or preventing the intake of air. A chokehold does not include any holding which involves contact with the neck which is not intended to reduce the intake of air.
Conductive Energy Weapon	A product designed to use propelled wires or direct contact to conduct an electrical charge to primarily affect motor functions and / or the sensory nervous system.
Deadly Force	Any force which creates a substantial likelihood of serious bodily harm or death.
De-escalation	The strategic slowing down of an incident to reduce the level or intensity of the incident in a manner that allows deputies more time, distance, space, and tactical flexibility during dynamic situations.
Duty of Care	A staff member's responsibility for providing or obtaining appropriate medical attention to any person in their custody who is injured or complains of injury. This pertains to injuries which preceded custody, occurred during apprehension, or were sustained while in custody. Additionally, staff members are responsible to provide or obtain medical attention for members of the public who are injured as a result of staff member involved actions.

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Excessive Force	Any force that is not objectively reasonable from the perspective of a reasonable officer in the same circumstance.
Exigent Circumstances	Conditions that are of such urgency and seriousness as to cause a reasonable person to believe that prompt action was necessary to prevent physical harm to the officer or other person.
Hard Hand Control	Punches and other physical strikes including kicks, knee strikes, elbow strikes, that have the possibility of creating a stunned mental state and / or motor dysfunction.
Impact Weapons	Batons, expandable batons, or other impact weapons as allowed by policy or other weapons of opportunity as may be dictated by the circumstances facing staff members.
Intervene	To come between, whether verbally or physically, in order to prevent or alter a result or course of events.
Neck Restraint	Any method used to render a person unconscious by restricting the flow of blood to the brain by compressing the sides of the neck in the area of the carotid arteries.
Non-Deadly Force	Any force which does not create a substantial likelihood of serious bodily harm or death.

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Passive Resistance

A subject is passively resisting when he or she takes no affirmative action to defeat the staff member's ability to make an arrest but does not respond to verbal commands and refuses to move such as when sitting or lying down.

Physical Strength and Skill

Any physical state of power, special skill, or action by any individual such as striking, holding, restraining, pushing, or pulling such as boxing or martial arts but does not include the use of deadly force or any weapon.

Positional Asphyxia

A condition of insufficient oxygen intake occurring as a result of a person's body position which prevents the person from breathing adequately.

Reasonable Officer

A reasonable officer is an officer with the same or similar training, experience, and ability facing similar circumstances basing his or her actions on the facts known to the officer at the time a decision was made.

Serious Bodily Injury

Harm that creates a substantial risk of death, serious or permanent disfigurement, or the loss or impairment of any bodily function or organ.

Soft Empty Hand Control

The staff member's use of the hands on a subject to direct the subject's movement; techniques that have a low potential of injury to the subject.

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Weapon of Opportunity

Those items which would not normally be considered a weapon but may be utilized as a weapon by the officer when traditional weapons are not available as dictated by the circumstances.

PROCEDURE

No policy or procedure can cover every possible scenario and incident which may be encountered by a staff member. Each incident presents unique concerns and problems. Most often, such incidents are dangerous, tense, uncertain, and rapidly evolving; requiring split second decision making by staff members.

The use of force can often be avoided through the use of de-escalation techniques and other non-dynamic law enforcement tools such as officer presence, containment, and communication. When feasible, deputies will use de-escalation and other techniques to reduce the immediacy of threats to people's safety and to stabilize incidents. Conversely, a staff member's behavior can escalate a situation. Staff members shall not intentionally escalate a situation unnecessarily.

Not every situation or subject can be de-escalated. Staff members may only use the minimum amount of force reasonably necessary to protect life and to enforce the laws of the State of Ohio under decisions established by the Constitution of the United States, the Ohio Constitution and as articulated in this policy. Staff members are also expected to justify their use of force in any administrative, civil, or criminal proceeding based on a reasonable officer's assessment of the need for any particular level of force.

Staff members shall not use a chokehold or neck restraint in the performance of his or her duties unless deadly force is justified.

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Staff members may only use the force which is reasonably necessary to achieve lawful objectives including affecting a lawful arrest or overcoming resistance to a lawful arrest, preventing the escape of a subject, or protecting or defending themselves or others from physical harm. In general, staff members may also use reasonable force to lawfully seize evidence or to prevent the destruction of evidence. However, staff members may not use a chokehold, neck restraint, or any lesser contact with the throat or neck area of another person in order to prevent the destruction of evidence by ingestion.

Because the preservation of human life is of the highest value for the Ashtabula County Sheriff's Office, staff members must have an objectively reasonable belief that deadly force is necessary to protect human life before using deadly force. Staff members may only use deadly force to defend themselves from serious physical injury or death, to defend another person from serious physical injury or death, and only in accordance with United States Supreme Court and Ohio Supreme Court decisions.

DUTY TO INTERVENE

Staff members have an absolute duty to intervene if he or she witnesses a use of force that is clearly unreasonable, regardless of the rank of the staff member using force or the agency employing the other officer. Any staff member present and observing another staff member using force that is clearly beyond that which is reasonable under the circumstances shall, when in a position to safely do so, intervene to prevent the use of excessive force. A staff member who observes another employee use force that exceeds the degree of force permitted shall promptly report these observations to a supervisor.

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USE OF FORCE

- A. In determining the appropriate level of force to utilize, the staff member must apply the following three prong test:

How serious is the offense the staff member suspects at the time the particular force is used?

What is the physical threat to the staff member or others?

Is the subject actively resisting or attempting to evade arrest by flight?

The staff member's use of force is also governed by the basic elements of a reasonable officer's perception of the person's behavior and demeanor. Based on the reasonable officer's perception, that behavior and demeanor can be categorized with the appropriate use of force response as follows:

1. Compliant Person: As perceived by the staff member, a compliant person readily submits to and complies with the directions and instructions from the staff member.

Examples of the appropriate level of force response to a compliant person include:

- a. Officer presence
 - b. Hand signals
 - c. Verbal commands and instructions
2. Passively Resistant Person: As perceived by the staff member, a passively resistant person does not comply with directions or instructions from staff members in a non-violent manner.

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Examples of the appropriate level of force response to a passively resistant person include:

- a. Response tactics listed above
- b. De-escalation techniques
- c. Soft empty hand control
- d. Arm holds
- e. Pressure point control tactics

3. **Actively Resistant Person:** As perceived by the staff member, an actively resistant person does not comply with directions or instructions from officers and is physically resisting any attempt made by officers to gain control of the person. This is the threshold for any reasonable officer to consider a person to be a dangerous threat to him or herself, the staff member, and any other person. Actively resistant persons typically involve exigent circumstances.

Examples of the appropriate level of force response to an actively resistant person include:

- a. Response tactics listed above
- b. Chemical agents
- c. Conductive Energy Weapon
- d. Impact projectiles
- e. Forcing the person's arms behind his or her back
- f. Taking the person to the ground

4. **Actively Aggressive Person:** As perceived by the staff member, an actively aggressive person does not comply with directions or instructions from staff members and is actively trying to cause bodily harm to staff members or other persons. Actively aggressive persons typically involve exigent circumstances

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Examples of the appropriate level of force are defensive tactics including:

- a. Response tactics listed above
- b. Impact weapons
- c. Hard hand control
- d. Any other reasonable means, including weapons of opportunity, available and at hand to stop the aggression, defend against the attack, and bring the person into compliance.

It is understood that reasonable staff members, while employing defensive tactics, may cause injury, serious injury, and in some isolated instances, death without intending such consequences.

It is also understood that a staff member may encounter an actively aggressive person of superior physical strength and skill who is threatening bodily harm. If a staff member becomes physically fatigued and no longer able to defend against an attack involving bodily harm or loses consciousness during such an encounter, there is a significant risk of serious bodily harm or death to the staff member. During such an encounter, a reasonable staff member may perceive the person as actively aggressive and threatening serious bodily harm or death, as detailed below.

- 5. **Actively Aggressive Person and a Threat of Serious Bodily Harm or Death:** As perceived by the staff member, an actively aggressive person who threatens serious bodily harm or death does not comply with directions or instructions from staff members and is actively trying to cause serious bodily harm or death to the staff member or other persons. Actively aggressive persons who threaten immediate serious bodily harm always involve exigent circumstances.

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Examples of the appropriate level of force are deadly force tactics including:

- a. Firearms
- b. Knives
- c. Weapons of opportunity which a reasonable officer would consider as potentially causing death or serious bodily harm.
- d. Chokeholds or neck restraints

Staff members may also use deadly force tactics to prevent the escape of an individual in cases in which the staff member has probable cause to believe that the subject has committed a violent felony involving the infliction or threatened infliction of serious bodily harm or death AND by the subject's escape he or she poses an immediate threat of serious bodily harm or death to another person. Whenever possible, staff members should avoid placing themselves in a position where the use of deadly force is the only alternative.

Where feasible, staff members should warn the subject prior to using deadly force.

- B. Staff members may sometimes be required to take custody of or otherwise control an individual who is a danger to themselves or others due to a medical or mental health emergency. In such cases, a staff member may be required to use objectively reasonable force. In determining whether force is objectively reasonable and the appropriate level of force to apply, the staff member should consider the following three factors::
- 1. Was the person experiencing a medical emergency that rendered him incapable of making a rational decision under circumstances that posed an immediate threat of serious physical harm to himself or others?
 - 2. Was some degree of force reasonably necessary to ameliorate or reduce the immediate threat?

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3. Was the force used more than reasonably necessary under the circumstances; i.e. was it excessive?

FIREARMS RESTRICTIONS

- A. Warning shots are prohibited
- B. Discharge of a firearm is prohibited when the officer is presented with an unreasonable risk to innocent third parties.
- C. Discharge of a firearm at an occupied vehicle is prohibited unless deadly force is justified.

POST INCIDENT

Staff members shall assume a duty of care for the subject to include any injury or complaint of injury incurred before being taken into custody, during the apprehension, and while in custody. Once the subject's resistance has ceased and control has been gained, a staff member is no longer authorized to use force. Once the staff member has determined that it is safe to do so, the staff member shall immediately place the subject in a recovery position which facilitates breathing and minimizes the risk of positional asphyxia.

- A. Roll the person onto his or her side or into a seated position
- B. Monitor breathing
- C. Monitor the person's facial skin color. A gray or blue tint is a sign of severe medical distress.

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- D. Determine if the person is functionally conscious by observing the person's ability to exhibit voluntary movement, has the ability to converse, and is aware of his or her place, the time, and the date.
- E. If the person has difficulty breathing, is not at a functional level of consciousness, exhibits symptoms of medical distress, or if any staff member has any doubt about the person's medical condition, request an emergency medical response and administer appropriate first aid.
- F. If the person is housed at a correctional facility or taken to a medical facility, notify the facility if the person was rendered unconscious, subjected to a chokehold or neck restraint, or exhibited any of the warning signs listed above.

Staff members shall immediately provide any necessary medical assistance, including decontamination of a subject who has been exposed to chemical spray, to the subject to the degree at which they are trained and / or provide for emergency medical response where needed and when reasonable to do so.

When practical to do so, staff members shall photograph any injuries to the person or the officer.

Staff members shall also assume a duty of care for any other person or member of the public who may have been injured as a result of a staff member's actions.

REPORTING

Whenever a staff member is involved in any use of force greater than that which is appropriate for a compliant person, the staff member shall include in his or her written report the names of those involved, the actions of the subject leading to the use of force, the force that was used, and photographs of any injuries sustained by the subject, the staff member, or any other person involved.

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REVIEW

When a staff member is involved in a use of force incident greater than that which is appropriate for a compliant person but less than deadly force, the commander of the division to which that staff member is assigned shall conduct a review of the incident to determine the appropriateness of the force used. The commander will impartially review the incident using all available reports, statements, photographs, testimony, technical support, or other means available as determined necessary in the matter.

At the conclusion of the review, the division commander will determine the appropriateness of the use of force. Inappropriate applications of force may be referred to the Ashtabula County Prosecutor's Office for review of criminal charges.

In incidents involving a staff member's use of deadly force, the division commander may request an outside agency review any investigation done by the Ashtabula County Sheriff's Department or the division commander may request an outside agency conduct the investigation and review.



**OHIO COLLABORATIVE
LAW ENFORCEMENT AGENCY CERTIFICATION**

January 26, 2021

Sheriff William Niemi
Ashtabula County Sheriff's Office
25 West Jefferson St,
Jefferson, OH - 44047

Congratulations on achieving Provisional Ohio Collaborative Law Enforcement Agency Certification status on EXEC ORDER (SAFE POLICING FOR SAFE COMMUNITIES) standards. Enclosed you will find your provisional certificate to serve as a reminder of your agency's commitment to law enforcement and the community it serves.

We would like to obtain your feedback of your experience with the Agency Self Certification process. At your convenience, please complete the survey located at <https://www.surveymonkey.com/r/SelfCertificationSurvey>

Within 60 days, you can expect an onsite review from an assessor which will cover the standards noted above plus future standards your agency has complied with.

In the meantime, if you have any questions, please feel free to contact Ed Burkhammer at 614.466.5996.

Sincerely,

Karhlton F. Moore, Executive Director
Office of Criminal Justice Services



OHIO COLLABORATIVE
LAW ENFORCEMENT AGENCY CERTIFICATION

Provisional Certification

Ashtabula County Sheriff's Office

SAFE POLICING FOR SAFE COMMUNITIES

*has been deemed provisionally compliant with the above standards as established by the Ohio
Collaborative Community-Police Advisory Board*

January 26, 2021

Karhlton F. Moore, Executive Director