



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



2025-2909

Officer Involved Critical Incident - Stanhope-Kelloggsville  
Rd. and Anderson Rd., Denmark Township, OH 44032,  
Ashtabula County

**Investigative Activity:** Receipt of Ashtabula County Sheriff's Office Use of Force  
and Canine Policies

**Involves:** Ashtabula County Sheriff's Office (O), Terry Moisio (O)

**Activity Date:** 09/09/2025

**Activity Location:** BCI Boardman - 760 Boardman-Canfield Road, Boardman,  
OH 44512

**Authoring Agent:** SA Joseph Lamping #184

**Narrative:**

On Tuesday, September 09, 2025, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Joe Lamping received an email from Ashtabula County Sheriff's Office (ACSO) Chief Deputy Terry Moisio which contained the Use of Force Policy and Canine Policy utilized by the ACSO at the time of this incident. The policies were attached to this report for further review.

**References:**

None

**Attachments:**

1. ACSO Use of Force Policy
2. ACSO Canine Policy

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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

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**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 members 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.

**Ashtabula County Sheriff's Department**

**Title: K-9 Dogs**

*(14.14 repealed and modified as 14.14.1 thru 14.14.26)*

**Operation Order No. 14.14.1**

**14.14.1 Purpose and Scope**

Effective 4-1-2020

This policy establishes guidelines for the use of canines to augment law enforcement services in the community including but not limited to:

- Patrol
- Burglaries
- Suspicious Alarms/Open Doors
- Tracking/Apprehending Criminal Offenders
- Missing or Lost Persons
- Narcotic Searches excluding Marihuana
- Disturbance or Fight Calls
- Crimes in Progress
- Prowler Complaints
- Crowd Control

**14.14.2 Definitions**

**Canine**- A dog that has been trained and may be used to assist one or more law enforcement officers in the performance of their official duties. When used in this policy, "canine" refers to a police dog (ORC 955.11; and ORC 2921.321)

**14.14.3 Policy**

It is the policy of the Ashtabula County Sheriff's Department to utilize a professionally trained K-9 team to assist in the daily operations of the Sheriff's Department and those teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives.

#### **14.14.4 Canine Coordinator**

The canine coordinator shall be appointed by and directly responsible to the Uniform Division Commander (s) or the authorized agent. The responsibilities of the canine coordinator include but are not limited to:

- Reviewing all canine use reports (and sign off) to ensure compliance with policy and to identify training issues and other needs of the program.
- Maintain a liaison with the vendor kennel
- Maintain a liaison with command staff and functional supervisors
- Maintain a liaison with other agency canine coordinators
- Maintain accurate records to document canine activities
- Recommend and oversee the procurement of equipment and services for the teams of handlers and canines
- Schedule all canine-related activities
- Ensure the canine teams are scheduled for regular training to maximize their capabilities

#### **14.14.5 Requests from outside agencies for use of canine team**

All requests for canine assistance from outside agencies must be approved by the shift supervisor and subject to the following:

- CFS (call for service) shall be created within the CAD system.
- Canine teams shall not be used for any assignment that is not consistent with this policy.
- The canine handler shall have the authority to decline a request for any specific assignment that he/she deems unsuitable and the reason (s) noted within the CFS.
- Requests for calling out a canine team who is otherwise in an off-duty status will first seek authorization from the shift supervisor.
- It shall be the responsibility of the canine handler to coordinate operations with agency personnel in order to minimize the risk of unintended injury.
- It shall be the responsibility of the canine handler to complete all necessary reports or as directed.

#### **14.14.6 Public Demonstration**

All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine coordinator prior to making any resource commitment. The canine coordinator is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the canine coordinator.

#### **14.14.7 Apprehension Guidelines**

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has committed, is committing, or is threatening to commit any serious offense and if any of the following conditions exist:

- There is a reasonable belief that the suspect poses an imminent threat of violence or serious harm to the public, any deputy, or the handler.
- The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonable appears to be necessary to overcome such resistance.
- The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of deputies or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy.

Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing deputy, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the shift supervisor.

Absent a change in circumstances that presents an imminent threat to deputies, the canine, or the public, such canine use should be conducted on -leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

In all applications, once the suspect has been located and no longer reasonable appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonable practicable.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

#### **14.14.8 Preparation for Deployment**

Prior to the use of a canine to search for or apprehend any suspect, the canine handler and/or the supervisor on-scene should carefully consider all pertinent information reasonable available at the time. The information should include, but is not limited to:

- The nature and seriousness of the suspected offense.
- Whether violence or weapons were used or are anticipated.
- The degree of resistance or threatened resistance, if any, the suspect has shown.
- The suspect known or perceived age.
- The potential for injury to deputies or the public caused by the suspect if the canine is not utilized.
- Any potential danger to the public and/or other deputies at the scene if the canine is released.
- The potential for the suspect to escape or flee if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine. Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

#### **14.14.9 Warnings and Announcements**

Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine.

The handler should allow a reasonable time for a suspect to surrender and/or give a verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard.

If a warning is not to be given, the canine handler, when practicable, will advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why. There are times announcements may not be given, due to the seriousness of the situation and verbal warnings would put the deputy and public at risk of serious physical harm.

#### **14.14.10 Reporting Deployments, Bites, and Injuries**

Handler should document canine deployments in a canine use report. Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in the canine use report. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to a medical facility. The deployment and photographs of the injuries should also be included in any related incident or arrest report.

Any unintended bite or injury caused by a canine, whether on or off-duty, shall be promptly reported to the canine coordinator. Unintended bites or injuries caused by a canine should be documented in an administrative report, not in a canine use report.

If an individual alleges and injury, either visible or not visible, a supervisor shall be notified and both the individuals injured and uninjured areas shall be photographed as soon as practicable after first tending to the immediate needs of the injured party period. Photographs shall be retained as evidence in accordance with current office evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

Law enforcement canines are generally exempt from impoundment and reporting requirements. If the canine begins exhibiting any abnormal behavior, the canine shall be made available, upon request, to the board of health for the district in which the bite occurred (ORC 955.261).

#### **14.14.11 Non-Apprehension Guidelines**

Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canines suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed when a search or other non-apprehension operation, the following guidelines apply:

-Absent a change in circumstances that presents an imminent threat to deputies, the canine, or the public, such applications should be conducted on -leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual if located.

-Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

-Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.

-Once the individual has been located, the handler should place the canine in a down stay or otherwise secure it as soon as reasonable practicable.

#### **14.14.12 Article Detection**

A canine trained to find objects or property related to a person or a crime may be used to locate or identify articles. A canine search should be conducted in a manner that minimizes the likelihood of unintended bites or injuries.

#### **14.14.13 Narcotics Detection**

A canine trained in narcotics detection may be used in accordance with current law and under certain circumstances, including:

- The search of vehicles, buildings, bags and other articles.
- Assisting in the search for narcotics during a search warrant service.
- Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

A narcotics-detection trained canine will not be used to search a person for narcotics unless the canine is trained to passively indicate the presence of narcotics.

#### **14.14.14 Handler Selection**

The minimum qualifications for the assignment of a canine handler include:

- A deputy who is currently off probation and has at least three years of full-time law enforcement experience.
- Residing in a single-family residence.
- Agreeing to be assigned to the position for the service life of the canine.
- If married, the spouse must be in agreement to the assignment.

#### **14.14.15 Handler Responsibilities**

The canine handler shall ultimately be responsible for the health and welfare of the canine and shall ensure that the canine receives proper nutrition, grooming, training, medical care, affection and living conditions.

The canine handler will be responsible for the following:

- Except as required during appropriate deployment, the handler shall not expose the canine to any foreseeable and unreasonable risk of harm.
- The handler shall maintain all office equipment under his/her control in a clean and serviceable condition.

- Handlers shall permit the canine coordinator to conduct spontaneous on-site inspections of affected areas of their homes as well as their canine vehicles to verify that conditions and equipment conform to this policy.
- Any changes in the living status of the handler that may affect the lodging or environment of the canine shall be reported to the canine coordinator as soon as possible.
- The canine should be permitted to socialize in the home with the handler's family for short periods of time and under the direct supervision of the handler.
- Under no circumstances will the canine be lodged at another location unless approved by the canine coordinator or uniform division commander(s)
- When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or uniform division commander(s)
- whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.

#### **14.14.16 Canine in Public Areas**

The canine should be kept on a leash when in areas that allow access to the public. Exceptions to this rule would include specific law enforcement operations for which the canine is trained.

- A canine shall not be left unattended in any area to which the public may have access.
- When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

#### **14.14.17 Handler Compensation**

The canine handler shall be available for call-out under conditions specified by the canine coordinator.

The canine handler shall be compensated for time spent in the care, feeding, grooming, and other needs of the canine in accordance with the Fair Labor Standards Act (FLSA), and according to the terms of the collective bargaining agreement (29 USC 207).

The canine handler/team will take a schedule adjustment to compensate in accordance with the Fair Labor Standards Act (FLSA) during their scheduled shifts if applicable. If a schedule adjustment is not feasible per the shift supervisor, the handler shall be paid in comp time in lieu of payment. Comp time in lieu of payment for the FLSA overtime must be paid at time and one-half. The sheriff's office shall cap the number of hours a handler may maintain in the FLSA comp time bank, not to exceed 40 hours. FLSA comp time bank balance must be used by December 31<sup>st</sup> of each calendar year.

The handler will note on his/her timesheet in accordance to the schedule adjustments as listed above, or FLSA comp time with reason why the schedule adjustment was not applicable. When FLSA comp time is accrued, the canine coordinator must sign off as well as the shift supervisor.

#### **14.14.18 Canine Injury and Medical Care**

In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or shift supervisor as soon as practicable and appropriately documented.

All medical attention shall be rendered by the designated canine veterinarian, except during an emergency where treatment should be obtained from the nearest available veterinarian. All records of medical treatment shall be maintained in the handlers personnel file.

#### **14.14.19 Disposition of Service Canine**

When the canine becomes injured in the line of duty, becomes disabled, and is unfit for duty, or grows too old to be fit for duty, the disposition of the canine will be handled on a case by case basis as directed by the canine coordinator and the sheriff.

#### **14.14.20 Training**

Before assignment in the field, each canine team shall be trained and certified to meet current Ohio Peace Officer Training Commission (OPOTC) recognized standards or other recognized and approved certification standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics and/or explosives also shall be trained and certified to meet OPOTC recognized standards or other recognized and approved certification standards established for their particular skills (OAC 109:2-7-01 et seq.). The canine coordinator shall be responsible for scheduling periodic training for all office members in order to familiarize them with how to conduct themselves in the presence of office canine.

Because canines may be exposed to dangerous substances such as opioids, as resources are available, the canine coordinator should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

All canine training shall be conducted while on-duty unless otherwise approved by the canine coordinator or division commander(s)

#### **14.14.21 Continued Training**

Each canine team shall thereafter be recertified to a current nationally recognized standard or other recognized and approved certification standards on an annual basis (OAC 109: 2-7-05).

Additional training considerations are as follows:

-Canine teams should receive training on a monthly basis.

- Canine handlers are encouraged to engage in additional training with approval of the canine coordinator and division commanders.
- To ensure that all training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is not reviewed and approved by this office.

#### **14.14.22 Failure to Successfully Complete Training**

Any canine team failing to graduate or obtain certification shall not be deployed in the field for tasks the team is not certified to perform until graduation or certification is achieved. When reasonably practicable, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

#### **14.14.23 Training Records**

All canine training records shall be maintained in the canine handlers personnel file.

#### **14.14.24 Training Aids**

Training aids are required to effectively train and maintain the skills of canines. Deputies possessing, using, or transporting controlled substances or explosives for canine training purposes must comply with federal and state requirements. Alternatively, the Ashtabula County Sheriff's Office may work with outside trainers with the applicable licenses or permits.

#### **14.14.25 Controlled Substance Training Aids**

Deputies acting in the performance of their official duties may possess or transfer controlled substances for the purpose of narcotics-detection canine training in compliance with state and federal laws and in compliance with applicable state requirements (21 USC 823-F; ORC 3719.14).

The Sheriff or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Ashtabula County Sheriff's Office to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this office for training purposes, provided the controlled substances are no longer needed as criminal evidence.

As an alternative, the Sheriff or the authorized designee may request narcotics training aids from other dispensing agencies.

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

#### **14.14.26 Controlled Substance Procedures**

Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canines' accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

- All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.
- The weight and test results shall be recorded and maintained by this office.
- Any person possessing controlled substance training samples shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to those controlled substances.
- All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.
- All controlled substance training samples will be stored in locked, airtight, watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handlers assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.
- The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.
- Any unusable controlled substance training samples shall be returned to the property room or to the dispensing agency.

As a canine handler I hereby acknowledge and understand all terms and conditions as set forth in this policy specific to sections 14.14.1 thru 14.14.26. Furthermore, my spouse (if applicable) has read and understands and acknowledges all the same as affirmed below.

Canine handler \_\_\_\_\_ Date: \_\_\_\_\_

Canine handler spouse \_\_\_\_\_ Date: \_\_\_\_\_  
(if applicable)

Sheriff Approval \_\_\_\_\_ Date: \_\_\_\_\_