

Independent Police Auditor

Use of Force Review

SUBJECT'S NAME: Terrell A. Battles
CASE NUMBER: 2024-00077110
DATE OF INCIDENT: 06/28/2024
DATE OF REPORT: 01/22/2025

IPA REVIEW OF INCIDENT

On the evening of June 28, 2024, at 9:15p.m., Officer Phillips #1521 and Officer Spragg #1514 were assigned to patrol sector 4 and stopped a Ford Fusion near the intersection of Wildwood Ave. and East Ave. The officers obtained information that the vehicle's registration expired February 18, 2022. Both officers approached the vehicle, with Officer Phillips approaching the driver's side, and Officer Spragg on the passenger's side. The driver of the vehicle was identified as Dorrell Battles and the passenger as Terrell Battles. It was discovered that Dorell was a suspended driver. He was ordered to step out of the vehicle and was placed under arrest by Officer Phillips.

At that point, two additional officers came on to the scene Officer Campbell #1438 and Officer Coblentz #1586. As Officer Phillips escorted Dorrell to the police car parked behind the vehicle in question, the two additional Officers surrounded the vehicle with Officer Campbell on the driver's side and Officer Coblentz on the rear passenger's side. Officer Spragg directed Terrell to step out of the vehicle. Several bystanders at a house adjacent to the scene began to gather and witness this encounter. Terrell began to question Officer Spragg asking why he needed to get out of the vehicle. Officer Spragg responded by repeatedly ordering Terrell to get out of the vehicle and noted "I don't need a reason". Officer Campbell then unlocked the car doors from the driver's side. Officer Spragg #1514 continued to direct Terrell to step out of the vehicle. By this time, Officer Phillips had walked back over to the passenger's side of the vehicle on the right side of Officer Spragg.

Officer Spragg grabbed Terrell by the arms as Officer Coblentz grabbed his legs to forcibly extract Terrell from the vehicle. Terrell continued to ask why the officers were doing this. Officer Spragg threw several punches striking Terrell in the face and body. Officers Spragg, Phillips, and Coblentz eventually pulled Terrell out of the vehicle onto the ground face down. Officers were yelling for Terrell to put his hands behind his back. Officer Spragg pushed Terrell's head to the ground with Terrell's face turned towards his right side and threw an additional punch striking Terrell in the face. This punch drew blood from Terrell's nose. Terrell's hands were then placed behind his back, and he was handcuffed. Terrell sustained lacerations, a concussion and a broken nose and was provided with EMS attention. He was then taken to the hospital for further treatment.

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EVIDENCE and MATERIALS REVIEWED

- ORC §2921.31 – Obstructing Official Business, [Section 2921.31 - Ohio Revised Code | Ohio Laws](#)
- ORC §2921.33 – Resisting Arrest, [Section 2921.33 - Resisting arrest.pdf](#)
- Akron Police Department Directives – Resisting Arrest/Use of Force Procedure, #P-2021-013, Effective Date January 4, 2021, [SKM C45820122310350 \(revize.com\)](#)
- Akron Police Department Field Case Report, Case #2024-00077110, dated 06/28/2024.
- Incident Details, Case #2024-00077110, printed on 7/12/2024 at 09:16 hrs.
- Akron Police Department Use of Force/Resisting Arrest Report, Report #2024-00077110, dated 07/02/2024, prepared by Officer Campbell #1438.
- Akron Police Department Use of Force/Resisting Arrest Report, Report #2024-00077110, dated 06/29/2024, prepared by Officer Coblentz #1586.
- Akron Police Department Use of Force/Resisting Arrest Report, Report #2024-00077110, dated 07/07/2024, prepared by Officer Phillips #1521.
- Akron Police Department Use of Force/Resisting Arrest Report, Report #2024-00077110, dated 07/02/2024, prepared by Officer Spragg #1514.
- Akron Police Department Use of Force/Resisting Arrest Officer Witness Report, Report #2024-00077110, dated 06/29/2024, prepared by Officer Wood #1591.
- Akron Police Department Use of Force/Resisting Arrest Officer Witness Report, Report #2024-00077110, dated 06/29/2024, prepared by Officer Rybka #1364.
- Akron Police Department Use of Force Investigation Report #2024-00077110, dated 07/16/2024, prepared by Sergeant Utomhin Okoh, #1413.
- Inter-Departmental, form 190P, dated 07/16/2024 to Captain G. Forney from Sergeant Okoh reference UOF ARR 2024-00077110.
- Video – Citizen Upload (3rd party cellphone video of the incident)
- BWC – (Extraction_1.1)_East_Ave_&_Wildwood-Colblentz_1586
- BWC – (Extraction_1.1)_Traffic_Stop_East_Ave_Wildwood_Ave-Campbell_1438
- BWC – (Extraction_1.1)_Traffic_Stop_East_Ave_Wildwood_Ave-Campbell_1438-2
- BWC – (Extraction_1.1)_Traffic_Stop_East_Ave_Wildwood_Ave-Coblentz_1586
- BWC – (Extraction_1.1)_Traffic_Stop_East_Ave_Wildwood_Ave-Coblentz_1586-2
- BWC – (Extraction_1.1)_Traffic_Stop_East_Ave_Wildwood_Ave-Okoh_1413
- BWC – (Extraction_1.1)_Traffic_Stop_East_Ave_Wildwood_Ave-Okoh_1413-2
- BWC – (Extraction_1.1)_Traffic_Stop_East_Ave_Wildwood_Ave-Phillips_1521
- BWC – (Extraction_1.1)_Traffic_Stop_East_Ave_Wildwood_Ave-Phillips_1521-2

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- BWC – (Extraction_1.1)_Traffic_Stop_East_Ave_Wildwood_Ave-Rybka_1364
- BWC – (Extraction_1.1)_Traffic_Stop_East_Ave_Wildwood_Ave-Snader_1500
- BWC – (Extraction_1.1)_Traffic_Stop_East_Ave_Wildwood_Ave-Spragg_1514
- BWC – (Extraction_1.1)_Traffic_Stop_East_Ave_Wildwood_Ave-Spragg_1514-2
- BWC – (Extraction_1.1)_Traffic_Stop_East_Ave_Wildwood_Ave-Spragg_1514-3
- BWC – (Extraction_1.1)_Traffic_Stop_East_Ave_Wildwood_Ave-Spragg_1514-4
- BWC – (Extraction_1.1)_Traffic_Stop_East_Ave_Wildwood_Ave-Spragg_1514-5
- BWC – (Extraction_1.1)_Traffic_Stop_East_Ave_Wildwood_Ave-Wood_1591

INTERVIEWS¹

Below is a summarization of the Supervisor's actions taken and interviews conducted on scene, not a verbatim translation of them.

6/28/2024, around 2115hrs

Sergeant Okoh responded to the scene as Terrell Battles was being transported to Summa Health System by AFD Med 9. Sergeant Okoh observed a hostile crowd that was growing. To diffuse the situation, Sergeant Okoh instructed the officers to relocate to Akron Equipment Maintenance at 1540 Copley Rd. Sergeant Okoh remained on scene and spoke with witnesses. Sergeant Okoh captured several photographs of the scene before interviewing Dorrell Battles, who was relocated to Akron Equipment Maintenance. After he refused to speak with Sergeant Okoh, Sergeant Okoh traveled to Summa Health System. Sergeant Okoh was unable to obtain a statement from Terrell as he was receiving treatment from medical staff.

Interviews

Dorrell Battles (B/M/33)

Sergeant Okoh attempted to interview Dorrell as he was seated in the rear of the police cruiser. Dorrell refused to speak with Sergeant Okoh and refused to cooperate as Sergeant Okoh attempted to capture photographs of him.

Charmenece Hill (B/F/32)

Sergeant Okoh spoke with Charmenece Hill, while on scene. Sergeant Okoh was able to record their conversation on BWC. Hill stated that she was inside when she noticed that the police were conducting a traffic stop on a Ford Fusion. She recognized the vehicle as Terrell and Dorrell were driving the vehicle earlier in the day and were expected to return from work around the time of the stop. She began her statement, addressing the fact that

¹Akron Police Department Use of Force Investigation Report #2024-00077110, dated 07/16/2024, prepared by Sergeant Utomhin Okoh, #1413.

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she overheard Terrell speaking with Officer Spragg about his identification. She continued, adding that Officer Spragg told Terrell to give his identification to another officer before requesting that he give it to Officer Spragg, causing confusion. Hill heard Terrell ask why he had to exit the vehicle before Officer Spragg told Officer Campbell to unlock the passenger door.

Hill expanded on her statement, adding, "Next thing you know they in the car and he start punching him. Then they pull him out the car and they still punching him." Hill recalled the officers punching Terrell over ten times. She recorded the incident and forwarded the video to Sergeant Okoh. She concluded her statement, addressing Terrell's character. She stated that Terrell did not refuse to give his identification to Officer Spragg. She also stated that it is not in Terrell's character to act in a noncompliant manner with police.

Hill did complain that car 8, Officers Rybka 1364 and Wood 1591, arrived on scene and assisted the other officers without asking questions or knowing what was going on. She claimed that Officer Rybka arrived and was laughing, believing that the situation was funny.

Injuries

Officer Spragg 1514

Officer Spragg suffered from lacerations to his right hand and swelling. He obtained these injuries while using force on a noncompliant subject, punching him 5 times. Officer Spragg was not seen by EMS, on scene. He did, however, complete an injury report that was signed and submitted to human resources.

Terrell Battles

Terrell Battles suffered from lacerations to the face, a concussion and a broken nose. He obtained these injuries as force was used to extract him from the suspect vehicle before an inventory could be conducted.

Battles was punched in the face 4 times and once in the body. EMS arrived on scene and transported Terrell to Cleveland Clinic Hospital for treatment. Upon arrival at the hospital, Sergeant Okoh attempted to interview Terrell to discover the extent of his injuries. He was unable to speak to Sergeant Okoh or medical staff at the time. On 7/21/2024, Sergeant Okoh attempted to speak with him to discuss his injuries and the events that unfolded, but he refused to speak with Sergeant Okoh.

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7/17/2024

Around 2000hrs, Sergeant Okoh attempted to contact Terrell Battles at 571 East Ave. Sergeant Okoh did not receive an answer at the door and it appeared that the residence was unoccupied. Sergeant Okoh followed up with a phone call that went unanswered, and a text message. Sergeant Okoh messaged Charmenece (Terrell's Fiancé), advising her that Sergeant Okoh was trying to contact Terrell to conduct a field interview. She responded that Terrell instructed me to talk to him at court on 7/18/2024. Sergeant Okoh was unable to attend the court session due to prior obligations.

7/19/2024

Around 1900hrs, Sergeant Okoh contacted Charmenece to reach Terrell Battles. Sergeant Okoh did not receive an answer.

7/20/2024

Around 2000hrs, Sergeant Okoh contacted Charmenece to reach Terrell Battles. Sergeant Okoh did not receive an answer.

7/21/2024

Around 1900hrs, Sergeant Okoh contacted Charmenece to reach Terrell Battles. Sergeant Okoh did not receive an answer. Sergeant Okoh continued to attempt to contact Terrell Battles as Sergeant Okoh stopped at 571 East Ave to knock and talk.

Terrell answered the door after a prolonged delay. He immediately refused to answer any questions without his lawyer and would not agree to conduct an interview.

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CONCLUSION

I do not concur with the determination of the Use of Force Investigation Report prepared by Sergeant Okoh. I find the force used by Officer Spragg #1514 to be **Not Objectively Reasonable**. I have concerns with the actions of Officer Spragg, #1514 throughout this incident.

Key Concerns:

1. Missed Opportunities for De-escalation:

- At multiple points, Officer Spragg could have used de-escalation techniques to reduce tension, particularly when Terrell expressed frustration and confusion.
- Phrases like “why are you being difficult with me now?” and issuing commands in an authoritative tone escalated the situation rather than calming it.
- There was no clear communication to Terrell about why he was being asked to exit the vehicle or the consequences of noncompliance.

2. Lack of Justification for Escalation:

- Terrell’s frustration and verbal challenges do not inherently justify an escalation to physical force.
- Officer Spragg’s statement, “I have requisite authority to have anybody get out of a vehicle and I don’t even need a reason,” could be seen as dismissive and unhelpful in establishing compliance.

3. Use of Force:

- The decision to physically engage and strike Terrell, including punches to the face, resulted in significant injuries: lacerations, a concussion, and a broken nose.
- The force used appears disproportionate to the situation, especially given the lack of immediate physical threat posed by Terrell.

4. Deficiencies in the Debrief:

- While alternative methods of force were discussed, the debrief lacked a focus on de-escalation techniques.

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- Officer Spragg expressed a preference for escalating the situation rather than disengaging or attempting further communication, indicating a lack of understanding or training in de-escalation strategies.

Analysis of Officer Spragg's Actions:

1. Reasonableness of Force:

- For force to be objectively reasonable, it must be proportionate to the threat posed and necessary to achieve a lawful objective.
- In this case, the level of force used by Officer Spragg seems excessive given Terrell's actions, which, while noncompliant, were not physically threatening.

2. Communication Failures:

- Clear communication is essential in maintaining control and de-escalating encounters. Officer Spragg failed to articulate his intentions and explain his actions, exacerbating Terrell's confusion and resistance.

3. Failure to De-escalate:

- The officer missed multiple opportunities to calm the situation through dialogue and rapport-building, relying instead on commands and physical force.

My recommendations are as follows:

1. The CPOB requests APD change the disposition of Officer Spragg #1544 use of force (head strikes), under case number 2024-00077110 from **Objectively Reasonable to Not Objectively Reasonable** and take appropriate disciplinary action as warranted by such a disposition.
2. **Training on De-escalation:**
 - Emphasize de-escalation techniques in training programs, including strategies for effective communication and calming agitated individuals.
 - Reinforce the importance of using de-escalation as the primary approach before resorting to physical force.

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3. **Policy Review and Enforcement:**

- Ensure all officers understand and adhere to departmental policies on the use of force and de-escalation.
- Conduct periodic reviews of use-of-force incidents to assess adherence to policy and identify areas for improvement.

4. **Accountability Measures:**

- Consider disciplinary action or remedial training for Officer Spragg based on the apparent misuse of force and failure to de-escalate.
- Reinforce supervisory responsibilities during debriefs to include a thorough discussion of de-escalation and decision-making.

5. **OIPA, CPOB and APD work together to review and amend APD Directive P-2021-013, Resisting Arrest/Use of Force Procedure as needed.**

6. **Enhanced Supervision:**

- Require supervisors to provide comprehensive after-action reviews, focusing on both tactical and interpersonal aspects of incidents.
- Document and address any gaps in training or performance revealed during these reviews.



Anthony W. Finnell
Independent Police Auditor