



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



2023-0228

Officer Involved Critical Incident - 18697 Bagley Rd., Cleveland, OH 44130, Cuyahoga County

Investigative Activity: Involved Officer Interview – ██████████
Activity Date: March 22, 2023
Activity Location: BCI - Richfield
Authoring Agent: SA Matthew Armstrong #146

Narrative:

On March 22, 2023, at approximately 0757 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Matthew Armstrong (Armstrong) and SA Nick Valente (Valente) met with and interviewed Southwest General Police Department (SGPD) Sergeant (Sgt.) ██████████ (██████). Sgt. ██████████ was identified as an officer who had some level of involvement in the October 18, 2022, incident surrounding the death of patient Bryan Bailey (Bailey). The interview took place at the BCI Richfield office and was audio and video recorded. The audio recording has been attached to this report and the video recording has been stored in the BCI case file as reference item E.

The Southwest General Police Department is a private police department. The members of the department are not government employees rather they are employed by the hospital. Sgt. ██████████ agreed to participate in an interview with BCI Agents. He was not represented by an attorney. Sgt. ██████████ indicated he was providing a statement on his own and he understood he could not be punished by his employer for declining to provide a statement.

The following is a summary of the information deemed by the author to be of the most relevance to the investigation and does not purport to contain all questions and answers from the interview. The information was placed in a chronology to aid the reader's overall understanding of the information elicited during the interview and may not be reflective of the actual sequencing of questions. It is suggested that the full recording be reviewed to clarify any content or contextual questions regarding the information from the interview.

Throughout the interview, Sgt. ██████████ provided the following information:

Preliminary and Demographic Information:

Name: ██████████	Rank: Officer (Ofc.)
Badge Number: ██████████	Cruiser/Vehicle Number: Truck (no number)
Radio Call Sign: ██████████	Immediate Supervisor: Sgt. ██████████
Radio Channel Utilized: Channel 1	Mobile Data Terminal: Not Present
Cruiser Description: Ford F-250 Truck, marked with "Police" on the sides, overhead	Occupants of Cruiser and Seating Positions: None

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lights, and a siren.	
Assignment: Exterior Patrol	Normal Shift: 2100 hours – 0700 hours
In-Car Camera: Not Present	Spotlight: Present; Not utilized
Emergency Lights: Present; Not Utilized	Siren: Present; Not Used
Shift Day of Incident: 2100 – 0700 hours	Duty Status: On-Duty
Days Off: Rotating days off	Prior Overtime or Extra Details within Preceding 48 Hours: none
Hours of Sleep Prior to Incident: Did not recall. Usually sleeps 7 – 9 hours	Consider Self Well Rested?: Yes
Total Length as Officer: 9 years	Length at Current Agency: 6 years and 10 months
Physical Disabilities (to include hearing aid): None	Corrective Lenses: No Corrective Lenses
Uniform Worn: Navy blue cargo pants, polo shirt, outer carrier with police equipment. Police patches on both shoulders with a badge and name patch on the outer carrier.	Equipment and Less-Lethal Options Carried on Person/Belt/Vest: Duty firearm, one pair of handcuffs, taser, radio, flash light, and two magazines.
Ballistic Vest: External Armor	Body Worn Camera: Not Present
Other Recording Devices: None	Partner: None
Injuries: None	Equipment Damage: None
Training or Areas of Specialty: Field training officer, background investigator.	OPOTC Certification: Completed through Medina County Career Center. Graduated in 2014
Military Experience/Training: None	Use-of-Force Training: Review use of force policy annually. Subject Control training in the academy and once during his employment at SGPD.
Prior Shooting Incidents: None	Prior Discipline or Use-of-Force Complaints: None
Medications, Prescriptions, or Drugs that might Impair Your Duties at Time of Incident: None	Medications, Prescriptions, or Drugs that might Impair You Now for Interview: None
Alcohol in Past 24 Hours? No	Last Consumed Alcohol Prior to Incident: None.

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Narrative:

After obtaining the preliminary and demographic information, Sgt. [REDACTED] provided the following information related to the incident on October 18, 2022:

At the time of the incident, Sgt. [REDACTED] was an officer working exterior patrol in a SGPD cruiser. He heard a radio call for a patient in the Emergency Department becoming aggressive with staff. The dispatcher then indicated there was a second call and the patient was becoming physically aggressive with staff. While responding, there was a third radio transmission but he could not understand what was said. He associated it with an officer being in a "scuffle" and later learned it was Sgt. [REDACTED] telling the other responding officers to "step it up."

When Sgt. [REDACTED] arrived, he saw Bailey lying on the bed, on his back, surrounded by staff. Sgt. [REDACTED] was on Bailey's legs and Officer [REDACTED] ([REDACTED]) was on Bailey's right side applying restraints. Bailey was thrashing around in the bed thrusting his back and trying to turn and pull away his arms and legs. He knew Bailey was being held on a "pink slip" but he was not certain when or who provided that information.

Sgt. [REDACTED] went to Bailey's left side and grabbed a hard restraint. Medic Juan was holding down Bailey's left arm and Medic Brandon was holding down Bailey's right arm. There was other staff present but Sgt. [REDACTED] was unaware of what they were doing because he was focused on controlling Bailey's left side and applying restraints.

While he was trying to get the restraint on Bailey's left wrist, Bailey was trying to pull away from him even with another staff member holding Bailey's arm to the bed. Bailey also continued to thrash around and tried to roll onto his left side. Bailey grabbed hold of the restraint and would not let go of it. Sgt. [REDACTED] then pried it from Bailey's hand. Sgt. [REDACTED] explained he struggled to apply the restraint but he was eventually able to get the restraint on Bailey's left arm and secure the restraint to the frame of the bed. During that time, he heard someone saying Bailey was trying to bite.

Sgt. [REDACTED] then moved down to Baileys left ankle. Sgt. [REDACTED] was sitting on Baileys legs to control them and he applied a restraint to Bailey's left ankle. Once Bailey was restrained, Sgt. [REDACTED] got off Bailey and the officers all exited the exam room but remained in the hallway outside the room.



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Almost immediately after the officers exited the exam room, medical staff went rushing into the room. Sgt. [REDACTED] overheard someone call out to remove the restraints. He then went into the room and removed all the restraints.

Sgt. [REDACTED] was not certain how long it took to apply the restraints. He said it took longer than usual but less than five minutes. Bailey was larger than most of the other medical staff involved and really strong. He was able to turn over on his side with staff and officers on him. Sgt. [REDACTED] explained Bailey was really fighting by moving his arms and legs, arching his back, and trying to break free in any manner he could. He was using all his energy thrashing around and there were 7 or 8 people in the room, not including the officers, trying to control him.

He overheard that medications were being administered but he did not see staff administer them. He was not sure if the medication was administered during the application of the restraints or moments after Bailey was restrained.

Throughout the application of the restraints, Bailey wasn't making any sense. He was out of it mentally but he was fighting. During the struggle, Sgt. [REDACTED] told Bailey to let go of the restraint but he did not believe Bailey understood the command.

The hard restraints were made of nylon and Velcro and contained two locks. They were used to maintain safety for the patient, scene, and staff. Hard restraints were used as a last resort.

He did not witness Bailey cause injury to any other staff. The only force he observed was officers and staff members holding Bailey to the bed. He was aware that Sgt. [REDACTED] had issued two femoral strikes to Bailey but he did not see it. Sgt. [REDACTED] said he was on his knees, eye level with the bed while applying the restraints. He explained being down low was necessary to secure the restraint to the bed frame which was under the mattress.

Sgt. [REDACTED] said he feared for the safety of the staff involved in the incident. He wasn't afraid for himself because as a police officer he was used to dealing with similar situations. However, he explained when someone fights as hard as Bailey was and due to the sheer strength Bailey had, it made him fearful that Bailey could have injured medical staff.

Sgt. [REDACTED] believed his actions were consistent with his training. He did not see anyone do anything that was unnecessary and he did not believe the incident could have been prevented.

Attachments:

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2023-03-22 Interview Recording 1 - Officer [REDACTED]

2023-03-22 Interview Recording 2 - Officer [REDACTED]

Reference Items:

Item E – Thumb drive containing video recorded involved officer interviews