



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: Review of Written Statements
Activity Date: May 5, 2023
Activity Location: BCI - Richfield
Authoring Agent: SA Matthew Armstrong #146

Narrative:

On May 5, 2023, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Matthew Armstrong (Armstrong) reviewed written statements completed by Southwest General Medical Center employees following the October 18, 2022 incident surrounding the death of Bryan Bailey. The written statements included three narrative reports completed by the responding police officers and written statement forms completed by medical staff. The documents were provided by Police Chief Tristan Harker. They have been attached to this report.

The following statements were provided:

- Sgt. [REDACTED] – written narrative report
- Officer [REDACTED] – written narrative report
- Officer [REDACTED] – written narrative report
- Registered Nurse (RN) Jeffrey Rubel – written witness statement
- RN Robert Cogar – written witness statement
- RN Jessica Herman – written witness statement
- RN Kristine Novick – written witness statement
- RN Juan Crespo – written witness statement
- Paramedic Brandon Mason – written witness statement

Each individual who completed a statement consented to BCI Agents reviewing their statement during their recorded interview.

A review of the statements did not reveal any new information relevant to the incident which had not previously been discovered throughout the investigation.

Attachments:

2023-05-05 Written Statements

SOUTHWEST GENERAL PD

Incident Number

22-00640

Investigative Report

Title / Subject: USE OF FORCE - BRYAN BAILEY

On Tuesday 10-18-2022 at or about 2153 Hrs, Officer [REDACTED] Officer [REDACTED] and I (Sergeant [REDACTED]) were dispatched to Exam 3 of the Emergency Room for a 'pink-slipped' patient. The initial call was very vague and that they needed our department. Within a few seconds, dispatch advised that second call had come in, stating that the patient, Bryan Bailey, was getting physically aggressive with staff.

I was in the back hallway of the Emergency Department when the second call came in, exiting stairwell "S". I started to run to Exam 3. I arrived within nine (9) seconds and immediately radioed to other units, "Get up here," as I noticed three (3) staff members trying to control Mr. Bailey, as he was actively fighting with staff. I then attempted to gain control of his legs as he was trying to actively kick at staff. I then placed my body across his legs. Officer [REDACTED] had then arrived.

Mr. Bailey was now hanging off the bed. Staff then boosted him up in the bed. During this transition of boosting him up in bed, I noticed blood in Mr. Bailey's mouth, unknown of it was caused. Staff was controlling his left arm, head, and right arm. Staff was holding both arms and his head with open palm across the face to prevent biting/spitting. Staff members asked each other how airway is was during this incident and they stated, "Clear, breathing and pulse." At no time did Officers have to intervene with staff as there was no obstruction to Mr. Bailey's airway or any pressure applied by staff to Mr. Bailey's neck area. I had transitioned to a mount position on Mr. Bailey's legs as Officer [REDACTED] started to apply restraints to Mr. Bailey's right arm. Mr. Bailey was still attempting to pull away from staff and was still thrashing his legs. Officer [REDACTED] had now arrived and medication was administered by staff.

During this time, Mr. Bailey had started to urinate which caused my uniform pants to become soiled. When I went to re-position myself, I broke contact with Mr. Bailey's legs. He was still thrashing and kicking his legs. One of his kicks almost struck Officer [REDACTED] who was attempting to place a right leg restraint. I then performed two (2) strikes to Mr. Bailey's right femoral nerve to gain pain compliance, which was successful. Officer [REDACTED] had applied the left arm restraint and left leg. Once in all restraints. I broke contact with Mr. Bailey's legs. The restraints were then checked with proper placement and spacing. I then asked everyone in their room if they're ok and not injured. Nurse responsible for Mr. Bailey, RN Jeffrey Rubel, who was first in the room and asked for help as MR. Bailey started to charge him stated he was "Fine, no injuries." Medic Juan Crespo, who was controlling Mr. Bailey's left arm and head, stated he was, "All good." Medic Brandon Mason, who was controlling his right arm replied, "Yeah, I'm fine." All Officers were not injured either.

After I finished asking everyone if they're ok, staff noticed Mr. Bailey, unresponsive. Staff then followed their policy and started performing life-saving measures. Officer [REDACTED] had removed all restraints immediately (2205 Hrs.) and stepped out of the room.

At no point did Officers ever apply pressure, control tactics to Mr. Bailey's upper torso. Officers controlled his legs, arms, and the restraint application.

Mr. Bailey was pronounced deceased by Doctor Harris at 2248 Hrs, and will be turned over the Coroner's Office.

Staff was asked if they knew what the cause of Mr. Bailey having blood mouth was caused from, but staff was unsure.

By: SGT [REDACTED]

Badge# [REDACTED]

Date: 10/18/2022 Time: 23:56:3 No. 001 Page #: 5

Reviewing Supervisor: _____

Date: _____

SOUTHWEST GENERAL PD

Incident Number

22-00640

Investigative Report

Title / Subject: USE OF FORCE - BRYAN BAILEY

Chief Harker, Lieutenant Melda and Nursing Supervisor Katrina Trzebuckowski were all made aware of this incident.

Statement forms from all parties involved are attached to this report along with Mr. Bailey's 'pink-slip'.

The dispatch times and my response time of arrival in the beginning of this report were pulled from our recorded radio and phone lines to ensure accurate time of initial call and when I arrived first on scene.

By: SGT [REDACTED]

Badge# [REDACTED]

Date: 10/18/2022 Time: 23:56:3 No. 001 Page #: 6

Reviewing Supervisor: _____

Date: _____

SOUTHWEST GENERAL PD

Incident Number

22-00640

Investigative Report

Title / Subject: SUPPLEMENT

On 10-18-2022 at approximately 2153 hours, dispatch advised that the patient in exam room 3 was becoming aggressive with staff.

Upon arrival the patient later identified as Bryan Bailey was being held down in bed by 3 staff members. This Officer immediately took control of Mr. Bailey's right wrist and applied a hard restraint with the help of Medic Brandon Mason who had control of his upper right arm. This officer then applied the restraint to Mr. Bailey's right ankle at which point he attempted to kick me. Sgt [REDACTED] then performed (2) two strikes to Mr. Bailey's right femoral nerve to gain compliance at which time Mr. Bailey stopped kicking.

Once all restraints were applied they were checked for proper placement and tightness. This officer then checked with all staff and officers to ensure no one was injured. All staff and officers involved stated they were not injured. This officer then stepped out of the exam room 3.

By: OFC [REDACTED]

Badge# [REDACTED]

Date: 10/19/2022 Time: 00:06:3 No. 002 Page #: 1

Reviewing Supervisor: _____

Date: _____

SOUTHWEST GENERAL PD

Incident Number

Investigative Report

Title / Subject: SUPPLEMENT

22-00640

On 10/18/2022 at approximately 2154 Hours, officer were dispatched to the Emergency Room Exam 3 for a Pink Slipped patient (Bryan Bailey) becoming aggressive with Medical Staff. I was on Old Oak Blvd. when dispatched advised officers that Mr. Bailey was becoming physically aggressive with staff.

Upon arrival, I observed medical staff along with Ofc. [REDACTED] and Sgt. [REDACTED] holding Mr. Bailey immobile to the bed while he was thrashing his body around in the attempt to pull away from officers and medical staff.

I immediately grabbed a restraint and applied it to Mr. Bailey's left wrist, securing his left arm to the bed while Medic Juan Crespo held Mr. Bailey's arm. I then placed a restraint on Mr. Bailey's left ankle and secured his leg to the bed. While I was placing restraints on Mr. Bailey, Ofc. [REDACTED] placed Mr. Bailey's right arm and right leg into restraints. Officers then checked the restraints for proper spacing before exiting the room.

A short time later, I observed more medical staff rush into Mr. Bailey's room and heard RN Kristine Novick request the restraints be removed. I immediately went into the room and removed Mr. Bailey out of all restraints at 2205 Hours.

By: OFC [REDACTED]

Badge# [REDACTED]

Date: 10/19/2022 Time: 00:06:4 No. 003 Page #: 1

Reviewing Supervisor: _____

Date: _____

Southwest General Police Department

18697 Bagley Road Middleburg Heights, OH 44130
TEL: 440-816-8884 FAX: 440-816-4045



STATEMENT FORM

1 OF 1

2200640

Report #

First Name: Jessica Middle Initial: M Last Name: Herrman
Street Address: 731 Beachler Rd. City: Tallmadge State: OH Zip Code: 44128
Date of Birth: 09/09/1999 Social Security #: [REDACTED] Phone #: [REDACTED] Work Phone #: [REDACTED]
Associate ID #: [REDACTED] Department: ED

Incident Type: Combative Pt Date Occurred: 10/18/22 Time Occurred: 9:50 AM PM

I heard screaming coming from exam 3 while I was by Trauma 2. I went to check on the patient and saw the patient on the bed fighting the primary nurse while attempting out of bed. Multiple other coworkers ran in to help the primary nurse, and PD showed up to the room. PD restrained patient with hard restraints. After patient was restrained, primary nurse noted patient was not responsive. I checked for a pulse with other staff and confirmed no pulse. CPR was started and restraints were removed.

I HAVE HEREBY MADE THE ABOVE STATEMENT OF MY OWN FREE WILL AND IT IS TRUE TO THE BEST OF MY KNOWLEDGE.

Signature: [REDACTED] Date of Statement: 10/18/2022 Time of Statement: 11:45 AM PM
 Witness Victim Complainant Associate
by [REDACTED] Badge #: [REDACTED]

*** UNLESS OTHERWISE REQUESTED, THE INFORMATION INCLUDED IN THIS STATEMENT WILL BE MADE AVAILABLE TO ANY / ALL PARTIES INVOLVED IN THE INCIDENT, AND IF NECESSARY LOCAL LAW ENFORCEMENT. ***

Southwest General Police Department

18697 Engley Road Middleburg Heights, OH 44130
TEL: 440-816-8884 FAX: 440-816-4045



STATEMENT FORM

1 OF 2

2200640
Report #

Robert T Cogger
 First Name Middle Initial Last Name
5686 Bradwood Parma OH 44134
 Street Address City State Zip Code
10/10/1995 [REDACTED] [REDACTED] [REDACTED]
 Date of Birth Social Security # Phone # Work Phone #
PD
 Associate ID # Department

Conbative pt 10/18/2022 9:50 AM PM
 Incident Type Date Occurred Time Occurred

Had a scream coming from exam 3 while I was near
Trauma 2. Went to check on patient & found 2 convulsions,
the primary nurse and a paramedic holding patient down & some
assistance. I never laid hands on the patient. I turned around
to look for more assistance as an additional paramedic helped
restrain the pt while PD arrived. Dr Harris verbalized medication
orders and I went to grab the medication I prepared the
medication, [REDACTED], and another RN
administered the medication. After pt was physically
restrained in Kayex restraints by PD, this RN noticed
snoring sounds coming from pt & minimal breathing effort

I HAVE HEREBY MADE THE ABOVE STATEMENT OF MY OWN FREE WILL AND IT IS TRUE TO THE BEST OF MY KNOWLEDGE.

[Signature] RN 10/18/2022 11:50 AM PM
 Signature Date of Statement Time of Statement
 Complainant Associate
 Given By
[REDACTED] [REDACTED]
 Department Badge #

Call back on BACK

*** UNLESS OTHERWISE REQUESTED, THE INFORMATION INCLUDED IN THIS STATEMENT WILL BE MADE AVAILABLE TO ANY / ALL PARTIES INVOLVED IN THE INCIDENT, AND IF NECESSARY LOCAL LAW ENFORCEMENT. ***



Southwest General Police Department

18697 Bagley Road Middleburg Heights, OH 44130
TEL: 440-816-8884 FAX: 440-816-4045



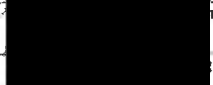
STATEMENT FORM

2 OF 2

2200640
Report #

*Delivered to
from
not* → This RN checked for a federal pulse; No pulse found.
CLR started.

[Signature]



Name

Statement

10/18/22
Date of Statement



Badge #

11:59 AM PM
Time of Statement

Southwest General Police Department

18697 Bayley Road Middleburg Heights, OH 44130
TEL: 440-816-8884 FAX: 440-816-4045



STATEMENT FORM

1 OF 1

2200640
Report #

JEFFREY R RUBEK
 First Name Middle Initial Last Name
 7504 OUTLOOK AVE BROOKLYN OH 44144
 Street Address City State Zip Code
 8/18/1976 [REDACTED]
 Date of Birth Social Security # Work Phone #
 207389 [REDACTED]
 Associate ID # Department

COMBATIVE PATIENT

10/19/2022

AM PM

BEHIND 2145 I APPROACHED PATIENT BRYAN BAILEY TO OBTAIN URINE SPECIMEN AS ORDERED. HE WAS VERY DROWSY / DIFFICULT TO AROUSE, UNCOOPERATIVE / EXPLAINED TO HIM HE NEEDED TO PROVIDE A URINE SAMPLE BY VOID OR HAVE A STRAIGHT CATH. HE SAID "JUST FUCKING KILL ME". (SAID WE DONT NEED TO TALK LIKE THAT). HE THEN STARTED CHARGING THE "OUR FATHER". I VERBALLY ENCOURAGED HIM TO PROVIDE THE URINE SPECIMEN. HE THEN GOT OUT OF BED AND WRAPPED THE SHEET AROUND HIMSELF. HE THEN PULLED HIS IV OUT AND CHARGED AT ME WHILE SWINGING HIS ARMS. I GRABBED ONE

I HAVE HEREBY MADE THE ABOVE STATEMENT OF MY OWN FREE WILL AND IT IS TRUE TO THE BEST OF MY KNOWLEDGE

(PARTIAL BACK SIDE)

[Signature] 10/19/2022 10:02 AM
 Signature Date of Statement Time of Statement
 Witness Victim Complainant Associate
 Given By [REDACTED] Badge # [REDACTED]

*** UNLESS OTHERWISE REQUESTED, THE INFORMATION INCLUDED IN THIS STATEMENT WILL BE MADE AVAILABLE TO ANY / ALL PARTIES INVOLVED IN THE INCIDENT, AND IF NECESSARY LOCAL LAW ENFORCEMENT. ***



Southwest General Police Department

18597 Bagley Road Middleburg Heights, OH 44130
TEL: 440-816-8884 FAX: 440-816-4045



STATEMENT FORM

2 OF 2

2200640
Report #

ARM AND STEPPED BEHIND HIM I THEN WRAPPED MY ARMS AROUND HIM UNDER HIS ARMS AND LAYED HIM DOWN ON THE BED, I CALLED FOR HELP AND STAFF/POLICE ARRIVED. HE CONTINUED TO FIGHT HARD DESPITE MULTIPLE STAFF MEMBERS RESTRICTING HIS MOVEMENT TO PREVENT MOVING DURING THE SCENARIO HE WAS RESTRAINED CUFF CUFFS XVI AND MEDICATED STRONGLY AFTER MEDS WERE GIVEN HE APPEARED TO NOT BE BREATHING AND WAS IN A PULSELESS CARDIAC ARREST, THE PATIENT WAS THEN TREATED ACCORDING TO THE CODE RECORD. NO ONE AT ANY TIME UTILIZED INAPPROPRIATE RESTRAINT HOLDS AND THE PATIENT WAS NEVER PLACED IN A POSITION THAT WOULD COMPROMISE HIS AIRWAY.

Shubert



10 / 19 / 2022
Date of Statement

0025
AM PM
Time of Statement



Southwest General Police Department

18697 Bagley Road Middleburg Heights, OH 44130
TEL: 440-816-8884 FAX: 440-816-4045



STATEMENT FORM

1 OF 1

2200640

Report #

Wastine First Name A Middle Initial Novick Last Name
13573 Sprucetal Blvd Broadview Hts OH 44147 Street Address Zip Code
04 12/1988 [REDACTED] [REDACTED] 440816-5525 Date of Birth Phone # Work Phone #
20291 Emergency/Karm Main Associate ID # Department

10/18/2022 5:58 AM PM Incident Type Date Occurred Time Occurred

2158 - This RN at bedside Pt. actively fighting with staff and SWPD. Pt. given IM medications while Pt. was aggressive and still being restrained.
2204 - Pt had decline in condition and this RN requested restraints be removed, restraints removed immediately.

I HAVE HEREBY MADE THE ABOVE STATEMENT OF MY OWN FREE WILL AND IT IS TRUE TO THE BEST OF MY KNOWLEDGE.

[Signature] Signature 10/18/22 Date of Statement 23:58 AM PM Time of Statement

Witness Victim Complainant Associate
 Statement Given By [REDACTED] [REDACTED] Page #

*** UNLESS OTHERWISE REQUESTED, THE INFORMATION INCLUDED IN THIS STATEMENT WILL BE MADE AVAILABLE TO ANY / ALL PARTIES INVOLVED IN THE INCIDENT, AND IF NECESSARY LOCAL LAW ENFORCEMENT. ***

Southwest General Police Department

18697 Bagley Road Middleburg Heights, OH 44130
TEL: 440-816-8884 FAX: 440-816-4045



STATEMENT FORM

1 OF 1

2200640

Report #

Brandon S Mason
First Name Middle Initial Last Name
 6027 Gilman Dr Brook Park OH 44142
Street Address City State Zip Code
 07/24/2022 [Redacted] [Redacted]
Date of Birth Phone # Work Phone #
 207509 Emergency Dept.
Associate ID # Department

Incident Type: _____ Date Occurred: 10/18/22 Time Occurred: 10:08 AM PM
Jeffrey

Pt was found in Room 3, CO worker, " was yelling for help asking to call for police. Pt was fighting with nurse in the room. I assisted my coworker (Jeffrey) to hold the pt down, making sure pt has a clear airway. PD then arrived, put the pt in restraints. Pt was kicking & screaming. Pt was then moved up in bed, and then went pulseless. code was called. Pt was treated under ACLS protocols.

I HAVE HEREBY MADE THE ABOVE STATEMENT OF MY OWN FREE WILL AND IT IS TRUE TO THE BEST OF MY KNOWLEDGE.

Signature: [Signature] Date of Statement: 10/18/22 Time of Statement: 23:27 AM PM

Witness Victim Complainant Associate
 Given By: [Redacted] Badge #: [Redacted]

*** UNLESS OTHERWISE REQUESTED, THE INFORMATION INCLUDED IN THIS STATEMENT WILL BE MADE AVAILABLE TO ANY / ALL PARTIES INVOLVED IN THE INCIDENT, AND IF NECESSARY LOCAL LAW ENFORCEMENT. ***



Southwest General Police Department

18697 Bagley Road Middleburg Heights, OH 44130
TEL: 440-816-8884 FAX: 440-816-4045



STATEMENT FORM

1 OF 1

2200640
Report #

JUAN M Crespo
 First Name Middle Initial Last Name
398 Baldwin Dr Berea OH 44017
 Street Address City State Zip Code
12 / 18 / 1986 [REDACTED] [REDACTED] () -
 Date of Birth Social Security # Phone # Work Phone #
206981 ED
 Associate ID # Department

Combative Patient 10 / 18 / 2022 21:50 AM PM
 Incident Type Date Occurred Time Occurred

At 2150 on 10/18/22 I was doing computer work when I heard yelling coming from the hallway of ex1. I rushed to the room of exam 3 where I saw the nurse and a paramedic holding down by the arms and the pelvis. I grabbed the patients left arm to help hold down the patient until Southwest police arrived. Patient kept on struggling and tried to bite me on my left arm. I pushed his head to his left side with my hand and held it there so that he couldn't bite me. I noticed that his mouth was full of blood. The patient kept on trying to get away so I held his arm down and his head turned to the side with my hand pressing on his temple area. Southwest PD arrived and started to restrain the patient. The patient was restrained and medication was given when it started to hear snoring coming from the patient. ~~At~~ I started to apply a finger oxygen monitor on him when someone shouted he doesn't have a pulse. That's when CPR was started.

I HAVE HEREBY MADE THE ABOVE STATEMENT OF MY OWN FREE WILL AND IT IS TRUE TO THE BEST OF MY KNOWLEDGE.

Juan Crespo 10 / 19 / 2022 01:35 AM PM
 Signature Date of Statement Time of Statement

Witness Victim Complainant Associate
[REDACTED] [REDACTED]
 #

*** UNLESS OTHERWISE REQUESTED, THE INFORMATION INCLUDED IN THIS STATEMENT WILL BE MADE AVAILABLE TO ANY / ALL PARTIES INVOLVED IN THE INCIDENT, AND IF NECESSARY LOCAL LAW ENFORCEMENT. ***