



**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:** Witness Interview  
**Activity Date:** March 16, 2023  
**Activity Location:** BCI - Richfield  
**Authoring Agent:** SA Matthew Armstrong #146

**Narrative:**

On March 16, 2023, at approximately 1309 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Matthew Armstrong (Armstrong) and SA Nick Valente (Valente) met with and interviewed Registered Nurse Robert Tyler Cogar (Cogar). Cogar was a staff nurse in the Emergency Department at Southwest General Medical Center. He was identified as an individual who witnessed and/or 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 recorded.

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, Cogar provided the following information:

Cogar has been employed as a registered Nurse since May of 2020. He completed a two year nursing program and earned an associate's through Kent State University. He worked 12 hour shifts and was working 3:00 pm to 3:00 am in October 2022. When working, Cogar wore scrub pants, either a scrub style shirt or t-shirt and had a name tag on his shirt identifying him as an RN. Cogar was also equipped with a radio and a visible stethoscope. Cogar believed he was well represented as a staff member or nurse while working in the Emergency Department.

Cogar was not involved in the physical restraint of Bailey. He was involved in providing Bailey with Advanced Cardiac Life Support (ACLS). During his shift on October 18, 2022, he was training a new nurse named Jessica Herman (Herman). They were in another section of the Emergency Department when he heard a shout or a scream. He explained health care workers don't usually yell or scream and that typically when there was yelling it was from a patient or family member. He ran to the area and observed Bailey in Exam Room 3 being held down by RN Jeff Rubel and Paramedic Brandon (possible last name Mason).

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Cogar explained Bailey was large so it required a lot of force to keep him down. RN Rubel was on Bailey's left side and Brandon was on Bailey's right side. Together they were holding Bailey's arms and shoulders down. Paramedic Juan Crespo then went in the room and Cogar believed he held Bailey's legs until the police arrived.

Cogar assumed the patient was becoming combative and he turned around to Dr. Harris and asked what he wanted (referring to medication). Registered Pharmacist (RPh) Luke Fawcett (Fawcett) was down the hall and could also hear what was taking place.

Dr. Harris ordered Benadryl and Geodon. Cogar and RPh Fawcett then went to the medication room to obtain and prepare the medications. The medication room used was further away from Exam Room 3 and while in the medication room Cogar could not see or hear what was taking place in Exam Room 3.

When Cogar exited the medication room, he went to Exam Room 3 with the medications. RN Kristy Novick was present at the exam room and the police were present. RN Novick was handed the medication and administered them intramuscularly into Bailey's right thigh.

During that time, the police were trying to place Bailey into keyed restraints because he was so out of control. Cogar was asked to expound on the term "out of control". Cogar explained they do not like to place patients into soft restraints. Keyed restraints are more restrictive than soft restraints and reserved for the most severe instances. Persons requiring keyed restraints are usually very combative and have caused harm or are going to cause harm to themselves or others. Cogar said Bailey required two paramedics, a nurse, and at least three officers to hold him down and they were struggling to keep him held down.

The medication generally becomes effective between 15 – 20 minutes after administration. Cogar could not remember if all the restraints were on Bailey when the medication was administered but, later said once Bailey was secured in the keyed restraints, the police exited the room.

After the police exited the room they remained close by. Cogar, RN Rubel, and one of the Paramedics were still in the exam room. Approximately 3 minutes after the medication was administered, RN Rubel said, "He's not breathing to well" (20:10). Cogar noticed Baileys breathing was shallow and similar to snoring but said he would not describe it as agonal breathing. Cogar then checked Bailey for a femoral pulse while RN Rubel or the paramedic checked for a carotid pulse. A pulse was not located. They then began ACLS protocol.

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RN Jessica Herman was in the hallway outside the exam room. Cogar told her to get Dr. Harris and to get the crash cart.

Cogar did not believe Bailey had a heart monitor or an IV established because he was a psychiatric patient. RN Rubel initially began manual CPR and then ACLS protocol was initiated. Cogar believed RN Rubel left to get something but never returned to assist with ACLS protocol.

The following day, Dr. Harris asked Cogar where RN Rubel was during the code. They found it bizarre that RN Rubel was not present. Cogar explained when a patient "crashes" the nurse responsible for the patient would normally always be present for ACLS protocol.

Cogar never observed RN Rubel perform in a dangerous manner with a patient. He did question whether RN Rubel was lazy or if he just worked differently than him. Cogar explained after Bailey was pronounced deceased RN Rubel seemed shocked and flat.

Cogar did not fear for his safety but did fear for the safety of the other staff involved.

RN Anette Trowbridge was the charge nurse that night, but she was not involved in the incident or the ACLS protocol. She was busy running the rest of the Emergency Department.

Cogar identified Sgt. Ryan Dunn as one officer involved in the incident but he did not know the names of the other two officers. While they were trying to restrain Bailey, Cogar saw Sgt. Dunn punch Bailey on the inner thigh. At the time he thought that may have been excessive. When he debriefed with the risk manager, he told her about it and she explained the reason was due to Bailey urinating and that strike would potentially stop the patient from urinating.

Cogar did not recall having any prior encounters or knowledge of Bailey.

After the incident, Cogar completed a written statement for the Southwest General Police Department. It was completed an hour or two after the incident. Cogar consented to BCI agents obtaining and reviewing a copy of the statement.

Cogar was not aware of anyone being disciplined for their involvement in the incident. He did not hear anyone make any other statements about the incident or Mr. Bailey.

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**Attachments:**

2023-03-16 Interview - Robert Tyler Cogar