



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 – Kristine Novick
Activity Date: April 11, 2023
Activity Location: BCI - Richfield
Authoring Agent: SA Matthew Armstrong #146

Narrative:

On April 11, 2023, at approximately 1307 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Matthew Armstrong (Armstrong) and SA Nick Valente (Valente) met with and interviewed Registered Nurse Kristine Novick (Novick). Novick was a Registered Nurse employed in the Emergency Department at Southwest General Medical Center. She 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 and video recorded.

Novick agreed to participate in an interview with BCI Agents. She was not represented by an attorney. Novick indicated she was providing a statement on her own and she understood she could not be punished by her employer or a regulatory board 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, Novick provided the following information:

Novick had been employed as a registered nurse (RN) at Southwest General Medical Center for approximately 12 years. She had worked in the Emergency Department for the past 8 years. She completed a Bachelor of Science in Nursing at Ursuline College. When working, Novick wore scrub pants, either a scrub style shirt or t-shirt and had a name tag on her shirt identifying her as an RN. Novick believed she was well represented as a staff member or nurse while working in the Emergency Department.

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Novick was not involved in the physical restraint of Bailey. She was involved in administering medication to Bailey while he was being restrained by other medical staff and police officers. She also assisted initially with administering Advanced Cardiac Life Support (ACLS) protocol.

During her shift on October 18, 2022, Novick was assigned as the triage nurse. Her station was at the front of the Emergency Department entrance. A private ambulatory company arrived to pick up a patient. The nurse for the patient being picked up was Krysten Castenir (Castenir) who was assisting with the situation in Exam Room 3.

Novick knew something was going on with the patient in Exam Room 3 and that he was a psychiatric patient. There were numerous people in the room including the police. She wasn't going to go in the room because there were plenty of people in the room. She could hear yelling and believed there was some type of struggle taking place.

When she went to notify Castenir that her transport was ready, she traded places with Castenir and took over drawing up the medications and administering them to Bailey. Staff in the room told her to be careful because Bailey had urinated. She did not remember anything else anyone was saying because her focus was on drawing up the medication. She specifically remembered the following staff members were present in the room: Officer [REDACTED] Officer [REDACTED] [REDACTED] medic Brandon Mason, and the RN assigned to Bailey named Jeff (unknown last name).

The medications she administered were provided by RN Robert Tyler Cogar (Cogar) and the pharmacist Luke Fawcett (Fawcett). She did not remember what the medications were or if they brought them to her after she was in the room or if Cogar and Fawcett were already present with the medication when she arrived. She remembered she administered the medications to Bailey's right thigh because his right leg was restrained.

Novick did not see anyone strike Bailey while she was present. She did not see Bailey strike or kick anyone else. She did not remember anyone giving Bailey verbal commands during the incident.

Novick did not fear for her safety or the safety of anyone else while she was present in the room. She explained this was because she felt like he was restrained enough that she wasn't going to get injured.

Shortly after she finished administering the medications Bailey was fully restrained and everyone moved off of Bailey. Within 2 – 5 minutes she noticed Bailey did not look right. She explained

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his coloring was not right, he was flaccid, his head was tilted to the side and his eyes were gazed but not fixed. She retrieved oxygen and they began ACLS protocol. She remembered RN Jeff was in the room with her and she believed another staff member was also in the room but she did not remember who. She started an I.V. on Bailey's left arm and she went to get Dr. Harris and let him know Bailey was "coding." Moments later, one of the officers came in and removed the restraints.

Novick believed Bailey had an I.V. before the incident because she saw an I.V. lying on the floor and Bailey had a tegaderm (a dressing used to protect an I.V. site) on his arm. She did not know why or how the I.V. had been removed.

RN Jeff was present in the room initially when ACLS protocol was initiated. He left the room at some point but she was not sure exactly when. She saw him on the computer checking on other patients but did not understand why he left. She believed it was extremely unusual for a nurse to leave their patient under these circumstances.

She was not aware of anyone being disciplined as a result of this incident.

After the incident she completed a written statement for the Southwest General Police Department. Novick consented to BCI agents obtaining and reviewing a copy of the statement.

Novick explained Bailey's girlfriend (unknown name) was present in the lobby and was permitted to be with Bailey prior to the incident. Novick believed her behavior was unusual. Novick had a couple encounters with her. The female had approached Novick and asked if she had a lighter or knew anyone that had a lighter. Novick informed her she did not. The female was in and out of the emergency department multiple times and when in the lobby she was constantly looking out the windows and yelling. Moments before the incident, she approached Novick and asked again if she had a lighter. Novick informed her she did not. She then asked if there was a gas station within walking distance. Novick informed her there was and she then exited the waiting room.

Novick indicated she had not encountered or cared for Bailey prior to this incident.

Attachments:

2023-04-11 Interview – Kristine Novick

Reference Items:

Item G – Thumb drive containing video recorded witness interviews

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