



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 24, 2023
Activity Location: BCI - Richfield
Authoring Agent: SA Matthew Armstrong #146

Narrative:

On March 24, 2023, at approximately 0754 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.) [REDACTED] ([REDACTED]). Sgt. [REDACTED] 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 SIU case file as Reference Item E.

The Southwest General Police Department was a private police department. The members of the department are not government employees rather, they are employed by the hospital. Sgt. [REDACTED] agreed to participate in an interview with BCI Agents. He was not represented by an attorney. Sgt. [REDACTED] 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. Time references made through this report correlate to the video recording.

Preliminary and Demographic Information:

Name: [REDACTED]	Rank: Sergeant (Sgt.)
Badge Number: [REDACTED]	Cruiser/Vehicle Number: none
Radio Call Sign: [REDACTED]	Immediate Supervisor: Lt. Jason Melda
Radio Channel Utilized: Channel 1	Mobile Data Terminal: Not Present
Cruiser Description: N/A	Occupants of Cruiser and Seating Positions: N/A
Assignment: Interior Patrol and supervisor	Normal Shift: 1900 hours – 0700 hours

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In-Car Camera: Not Present	Spotlight: N/A
Emergency Lights: N/A	Siren: N/A
Shift Day of Incident: 1900 – 0700 hours	Duty Status: On-Duty
Days Off: Rotating days off every two weeks	Prior Overtime or Extra Details within Preceding 48 Hours: Did not recall
Hours of Sleep Prior to Incident: Did not recall.	Consider Self Well Rested: Yes
Total Length as Officer: 8 years	Length at Current Agency: 8 years as a certified peace officer
Physical Disabilities (to include hearing aid): None	Corrective Lenses: No Corrective Lenses
Uniform Worn: Navy blue short sleeve shirt with anniversary pins and badge affixed to it, Police patches on both shoulders, navy blue 5.11 pants	Equipment and Less-Lethal Options Carried on Person/Belt/Vest: taser, pepper spray, radio, flash light, CPR mask, duty firearm, and magazines
Ballistic Vest: Concealed 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, subject control instructor	OPOTC Certification: Completed through Polaris Career Center. Graduated in 2015
Military Experience/Training: None	Use-of-Force Training: Internal training related to subject control every 2 years, review of use of force policy twice a year
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? None	Last Consumed Alcohol Prior to Incident: Did not consume alcohol prior to incident.

Narrative:

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

Sgt [REDACTED] was in a stairwell (possibly Stair well T) when he heard dispatch indicate a patient in Exam Room 4 (later corrected the location to Exam Room 3) was becoming physically

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aggressive with staff. He responded and arrived within 9 seconds. When he arrived, he observed staff controlling the patient's (Bailey's) upper body. They were holding both his arms and his head down with an open palm. He noticed Bailey had some blood in his mouth but he did not know what it was from. RN Jeffrey Rubel (Rubel) was at Bailey's head, medic Brandon Mason (Mason) was on Bailey's right side and medic Juan Crespo (Crespo) was on Bailey's left side (23:15). He did not remember specifically how each individual staff member was holding Bailey and he could not recall which staff member was holding Bailey's head with an open palm. Bailey's legs were kicking and he radioed for the other officers to "step it up."

Sgt [REDACTED] did not believe he could control Bailey's legs by holding them alone so he laid across them with his upper body to prevent Bailey from kicking other staff. He explained Bailey was a larger man, over 6 feet tall, 230 plus pounds, and fairly strong.

Initially Bailey was lying partially on the bed with his legs hanging off the bed. They "boosted" Bailey up into the bed so they could restrain him. Officer [REDACTED] then arrived with the restraints and began placing a restraint on Bailey's right arm. Sgt [REDACTED] was unable to control Bailey's legs by lying across them so he transitioned to a mount position and sat on Bailey's legs.

Once Sgt. [REDACTED] transitioned to the mount position he ended up closer to Bailey's hip area. He explained Bailey continued thrashing and bucking him which caused him to move forward toward Bailey's hips. Bailey was a "burly man" and the purpose for transitioning to the mount position was to utilize all his weight on Baileys legs to control them. Even in the mount position he was not able to completely control Bailey's legs. While he was in the mount position, he felt Bailey urinating on him. He did not see Bailey biting or spitting.

Officer [REDACTED] then arrived, went to Bailey's left side, and began applying restraints. Sgt. [REDACTED] remained in the mount position on Bailey's legs and Bailey continued thrashing about, actively kicking and trying to buck Sgt [REDACTED] off of him. Bailey was making grunting noises but not saying anything. Sgt. [REDACTED] believed Bailey was trying to escape.

While Officer [REDACTED] was applying restraints, Bailey tried kicking Officer [REDACTED] in the face. In response, Sgt. [REDACTED] administered two strikes to Bailey's right femoral nerve to gain pain compliance. Sgt. [REDACTED] said the strikes were effective. After the two strikes, Bailey stopped kicking and the officers were able to apply the restraints.

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Sgt. [REDACTED] got off Bailey immediately after his legs were secured in the restrains. He and the other officers then stood by outside the exam room. He heard someone indicate Bailey was not breathing. Officer [REDACTED] then went into the exam room and removed the restraints. Sgt. [REDACTED] estimated the restraints were on Bailey for less than 5 minutes.

Restraints can be ordered by a doctor however, when a patient is actively fighting they do not need a doctor's order to apply restraints. Sgt. [REDACTED] explained when a patient is that combative and actively fighting it is their policy to physically restrain the patient to prevent the patient from harming himself or others. In this instance, there was no specific order to restrain Bailey. It was an understanding and all the staff in the room knew he needed to be restrained.

Sgt. [REDACTED] remembered at some point during the restraint process medical staff administered medication to Bailey. Sgt. [REDACTED] said he was on Bailey's legs and it was administered to Bailey's thigh.

During the incident Sgt. [REDACTED] was not afraid for his own safety or the safety of staff because they were controlling Bailey most of the time. He said Bailey was in a gown and he did not have access to weapons. Sgt. [REDACTED] did say if Bailey broke free from them, he could have hurt someone and he could have hurt Officer [REDACTED] if he was successful in kicking Officer [REDACTED] s face.

Sgt. [REDACTED] did not strike Bailey at any other time during the incident. He did not believe there was anything else he could have done beside administer the two strikes when Bailey kicked toward Officer [REDACTED] s face. He believed his actions were consistent with his training. He did not believe situation could have been handled any differently.

Sgt. [REDACTED] did not see any other staff strike Bailey. He did not witness anything that caused him to believe someone had done something wrong. He was not aware of anyone being disciplined as a result of the incident.

Sgt. [REDACTED] said he did not recall having any prior encounters with Bailey.

Attachments:

2023-03-24 Involved Officer Interview - [REDACTED]

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Reference Items:.

Item E – Thumb drive containing video recorded involved officer interviews