



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 – Dr. Mark Harris
Activity Date: March 28, 2023
Activity Location: BCI - Richfield
Authoring Agent: SA Matthew Armstrong #146

Narrative:

On March 28, 2023, at approximately 1151 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Matthew Armstrong (Armstrong) and SA Nick Valente (Valente) met with and interviewed Dr. Mark Harris (Harris). Harris was the attending physician 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. The interview took place at the BCI Richfield office and was audio and video recorded.

Harris agreed to participate in an interview with BCI Agents. He was not represented by an attorney. Harris indicated he was providing a statement on his own and he understood he could not be punished by an 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. Time references made through this report correspond with the video recording.

Throughout the interview, Dr. Harris provided the following information:

Harris was employed by Team Health as an Emergency Physician and was assigned to Southwest General Medical Center for approximately 15 years. Harris earned a Bachelor degree from Baldwin Wallace and his Medical Doctor degree from Medical College of Ohio (now known as University of Toledo Health Sciences). He has practiced as a physician for 18 years. When working, Harris wore pale blue surgical scrubs with a long white lab coat. He also wore a name tag which identified him as a physician. Harris believed he was well represented as a staff member while working in the Emergency Department.

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While working at Southwest General on October 18, 2022, Harris recalled being seated in the “vortex” area of the emergency department. He was between 12 and 20 feet from Exam Room 3. He estimated the patient had been in the emergency department for approximately 3 hours prior to the incident. The patient was present for suicidal ideations and staff needed a urine sample from the patient. The nurse, Jeff (unknown last name), went into the room to collect a urine sample. The curtain was drawn and Harris could not see into the room. He overheard Jeff yelling at the patient. He was saying “Piss or I am going to put a tube in your dick, or whatever. I mean saying stuff like that or whatever.” (6:11) Harris believed the nurse was being a little more aggressive than was necessary. Immediately after hearing Jeff make that statement there was a moment of silence which lasted approximately one minute. Harris then heard Jeff or a medic saying they needed help. When other staff went to help, Jeff and the patient were engaged in a struggle.

There were four or five medical staff and two or three officers who responded to help. Harris said the officers didn’t do anything. By the time they got there they held the patient’s arms and legs for a few seconds but the patient was unconscious. Harris did not see anyone strike the patient and he did not see the patient strike or injure anyone else. He also never heard any yelling from the patient.

When the staff said they needed help, Harris began ordering medication to calm the patient down. He believed he ordered Geodon. While Harris ordered the medication, someone came to him and said “he’s arresting.” Initially Harris thought why are they arresting him? The staff then clarified the patient was in cardiac arrest. Harris responded to the room and he and staff administered Advanced Cardiac Life Support (ACLS). Harris said Jeff disappeared during ACLS protocol and he believed it was very odd that Jeff was not present.

When Harris heard the patient was in cardiac arrest, he was “pissed off.” He said he was an ER doctor so his reaction was probably a little different. He explained, this wasn’t supposed to happen. The patient was healthy and he shouldn’t have died. Harris said the patient was relatively sleepy throughout the day. He did not know if the patient was under the influence of any illicit substances. He believed it was possible but said the patient’s pupils were not pinpoint.

Harris said the patient’s girlfriend was present throughout the day and her behavior was weird. She was in and out of the emergency room smoking cigarettes outside and seemed like a “druggie.” He mentioned some staff suspected the girlfriend may have given illicit drugs to the patient but he did not know if that occurred.

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Harris never feared for the safety of the staff during the situation. Another employee mentioned Jeff had the patient in a choke hold. Harris never saw that but he believed it was a medic that made the comment.

Approximately 20 to 30 minutes after the patient was deceased, Jeff made a snarky comment to Harris saying "I guess he should have pissed" (14:52). Jeff did not appear distraught, or emotionally shaken up about the patient's death.

Harris believed the hospital was to blame for the situation. He didn't feel responsible for any part of the patient's death and said he did everything he could to save the patient's life.

Attachments:

2023-03-28 Interview - Mark Harris

Reference Items:

Item G – Thumb drive containing video recorded witness interviews