



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 23, 2023
Activity Location: BCI - Richfield
Authoring Agent: SA Matthew Armstrong #146

Narrative:

On March 23, 2023, at approximately 0926 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) Officer (Ofc.) ██████████ (██████████). Ofc. ██████████ 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 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. Ofc. ██████████ agreed to participate in an interview with BCI Agents. He was not represented by an attorney. Ofc. ██████████ 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: ██████████	Rank: Officer (Ofc.)
Badge Number: ██████	Cruiser/Vehicle Number: None
Radio Call Sign: ██████	Immediate Supervisor: Sgt. ██████ ██████
Radio Channel Utilized: Channel 1	Mobile Data Terminal: Not Present
Cruiser Description: N/A	Occupants of Cruiser and Seating Positions: N/A
Assignment: Patrol	Normal Shift: 2100 hours – 0700 hours

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In-Car Camera: Not Present	Spotlight: N/A Choose an item.
Emergency Lights: N/A Choose an item.	Siren: N/A Choose an item.
Shift Day of Incident: 2100 – 0700 hours	Duty Status: On-Duty
Days Off: Rotating days off	Prior Overtime or Extra Details within Preceding 48 Hours: None
Hours of Sleep Prior to Incident: Did not recall. Usually sleeps 7 – 8 hours	Consider Self Well Rested: Yes
Total Length as Officer: 9 years	Length at Current Agency: 6 years and 10 months
Physical Disabilities (to include hearing aid): None	Corrective Lenses: Contact Lenses
Uniform Worn: Navy blue cargo pants, long sleeve shirt, outer vest carrier, police patches on both shoulders with a badge on the outer carrier.	Equipment and Less-Lethal Options Carried on Person/Belt/Vest: duty firearm, handcuffs, taser, radio, flash light, and magazines.
Ballistic Vest: External Armor	Body Worn Camera: Not Present
Other Recording Devices: None	Partner: None
Injuries: None	Equipment Damage: None
Training or Areas of Specialty: Officer in charge, field training officer, ALICE instructor, background investigator.	OPOTC Certification: Completed through Medina County Career Center. Graduated in 2009
Military Experience/Training: None	Use-of-Force Training: Internal subject control training annually at SGPD.
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, Officer [REDACTED] provided the following information related to the incident on October 18, 2022:

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Officer [REDACTED] was near the ambulance bay when he was dispatched to the Emergency Department Exam Room 3 for a patient who was becoming physically aggressive with staff. He responded through the Emergency Department to Exam Room 3 in approximately 15 seconds. When he arrived, he saw Sergeant (Sgt.) [REDACTED] ([REDACTED] present in the room with an RN named Jeffrey and Paramedics named Brandon and Juan. Bailey, the patient, was on the bed being combative, flailing around, kicking his legs and trying to get out of the bed.

Medic Brandon already had control of Bailey's right upper arm and shoulder. RN Jeffery was at the head of the bed, Medic Juan was on Bailey's left side, and Sgt. [REDACTED] was at the foot of the bed. Shortly after he arrived, Ofc. [REDACTED] arrived and went to Bailey's left side.

Ofc. [REDACTED] took control of Bailey's right wrist and arm, placed a restraint on Bailey's right wrist, and attached the restraint to the bed. Ofc. [REDACTED] then moved down to Bailey's right ankle. While trying to attach a restraint to the right ankle, Bailey tried to kick him in the face. Sgt. [REDACTED] then performed two femoral strikes to Bailey's femoral artery area.

While restraining Bailey, Ofc. [REDACTED] was knelt down next to the bed. His face was at the same height as the bed and he was trusting the other staff to control the subject while he applied the restraints. Because the patient was bucking and kicking so hard, Sgt. [REDACTED] had mounted the patient's lower legs to control them so the restraints could be applied. The patient was able to get one leg free. While Ofc. [REDACTED] was trying to apply the restraint to the right ankle Bailey tried kicking him in the face. Ofc. [REDACTED] dodged the kick and at that point Sgt. [REDACTED] performed two strikes to the Bailey's femoral artery area. Bailey immediately stopped kicking and Ofc. [REDACTED] was able to apply the restraint and secure it to the bed.

Ofc. [REDACTED] explained the strikes were to gain compliance and stop Bailey from kicking. After the two strikes, Bailey stopped kicking and Ofc. [REDACTED] was able to apply the restraint to the patient's ankle and secure it to the bed.

At nearly the same time, Ofc. [REDACTED] finished applying the restraints to Bailey's right side, Ofc. [REDACTED] also finished applying restraints to Bailey's left side. Once the restraints were applied, all three officers exited the exam room. Ofc. [REDACTED] believed medical staff administered medication to Bailey through a shot. He was not sure if it was administered after the restraints were applied or during application.

Ofc. [REDACTED] explained Bailey was being held for a mental health evaluation because he was a risk to himself or others. He was not free to leave the hospital and he needed restrained to prevent him from leaving and so staff could safely provide care to him. He said Bailey was combative, and if he wasn't restrained he could have physically assaulted other patients, visitors, or staff members.

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Ofc. ██████ described Bailey as a large and strong individual. He estimated Bailey was approximately 250 – 260 pounds and over 6 foot in height. Throughout the encounter Bailey was angrily yelling sounds but not saying anything in particular. He tried to sit up and pull his arms away from staff. He tried to physically grab at people, he bucked his hips, was flailing his arms and legs. He kicked at the staff and was trying to assault them to either get out of the bed or the room. Ofc. ██████ explained it was a struggle for 6 people to hold the Bailey down.

Immediately after securing the patient in restraints, the officers all exited the exam room. They remained present outside of the room but some of the staff remained in the room. Within seconds, Ofc. ██████ overheard the staff saying the patient wasn't breathing or didn't have a pulse. Ofc. ██████ then entered the room and removed the restraints from the patient.

While applying restraints, Ofc. ██████ did not see Bailey strike or injure anyone else in the room. He did not observe any other staff strike or injure Bailey.

Ofc. ██████ said he was not fearful for his own safety but was fearful Bailey could have hurt the other staff in the room.

Ofc. ██████ believed his actions and the actions of all the staff involved in the situation were consistent with their training. He was not aware of anyone involved being disciplined.

He did not have any previous knowledge or encounters with Bailey.

Attachments:

2023-03-23 Involved Officer Interview - ██████

Reference Items:

Item E – Thumb drive containing video recorded involved officer interviews