



Metropolitan Nashville and Davidson County, TN

Legislation Details (With Text)

File #: RS2024-217 **Name:**

Type: Resolution **Status:** Passed

File created: 1/25/2024 **In control:** Metropolitan Council

On agenda: 2/6/2024 **Final action:** 2/6/2024

Title: A resolution authorizing the Metropolitan Department of Law to compromise and settle the claims of Kimberly Jones-Mbuyi against the Metropolitan Government of Nashville and Davidson County in the amount of \$250,000.00, with said amount to be paid out of the Self-Insured Liability Fund.

Sponsors: Delishia Porterfield, Erin Evans

Indexes:

Code sections:

Attachments: 1. Letter to Metro Clerk

Date	Ver.	Action By	Action	Result
2/8/2024	1	Mayor	approved	
2/6/2024	1	Metropolitan Council	adopted	Pass
2/5/2024	1	Budget and Finance Committee	approved	
1/30/2024	1	Metropolitan Council	filed	

A resolution authorizing the Metropolitan Department of Law to compromise and settle the claims of Kimberly Jones-Mbuyi against the Metropolitan Government of Nashville and Davidson County in the amount of \$250,000.00, with said amount to be paid out of the Self-Insured Liability Fund.

WHEREAS, Kimberly Jones-Mbuyi filed a lawsuit against the Metropolitan Government arising out of the shooting death of her daughter, Michaela Carter, at the hands of Ms. Carter’s estranged husband, James Leggett; and,

WHEREAS, Ms. Jones-Mbuyi alleges that the Metropolitan Nashville Police Department negligently responded to her complaint that Mr. Leggett violated Ms. Carter’s order of protection against him; and,

WHEREAS, after investigation, the Metropolitan Department of Law believes that the settlement terms listed in Section 1 are fair and reasonable and in the best interest of the Metropolitan Government and recommends that any and all claims or causes of action brought or that could have been brought by Kimberley Jones-Mbuyi arising out of Ms. Carter’s death be compromised and settled for \$250,000.00, and that this amount be paid from the Self-Insured Liability Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1: The Metropolitan Department of Law is authorized to compromise and settle the claims of Kimberly Jones-Mbuyi for the sum of \$250,000.00, with said amount to be paid from the Self-Insured Liability Fund.

Section 2: This resolution shall take effect from and after its adoption, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

Analysis

On November 15, 2021, Kimberly Jones-Mbuyi and her daughter, Michaela Carter, called 911 to report that Ms. Carter's estranged husband, James Leggett, was seen with a gun outside of a relative's apartment that Ms. Carter frequented. Ms. Carter had an order of protection against Leggett. Two Metropolitan Nashville Police Department ("MNPDP") officers were dispatched to respond to a local business to meet Ms. Jones-Mbuyi and Ms. Carter.

En route to meet Ms. Jones-Mbuyi and Ms. Carter, the MNPDP officers saw a man dressed similar to the description that Ms. Jones-Mbuyi gave of Leggett. The officers did not yet have Leggett's name or confirmation of whether Ms. Carter had an order of protection against him. The officers noted that the man was significantly shorter than the description they were given, and they did not approach the man they saw.

Ms. Jones-Mbuyi and Ms. Carter were not at the local business when the officers arrived, and the officers proceeded to the relative's apartment complex. Not seeing anyone meeting the description they were given, the officers returned to the local business and found Ms. Jones-Mbuyi and Ms. Carter. There, the women informed the officers of the order of protection against Leggett and told the officers Leggett was contacting Ms. Carter by text and making threatening posts on social media. They asked the officers to arrest Leggett for violating the order of protection. The officers stated they did not have sufficient personal knowledge to effectuate an arrest and offered to accompany Ms. Carter to night court to swear out a warrant against Leggett. Ms. Carter declined as she had to go to work. The officers did not perform a Lethality Assessment during this interaction, as is required by MNPDP policy. They also provided Ms. Carter with written information regarding available shelter and counseling options but did not verbally advise her of such.

The officers accompanied the women to Ms. Jones-Mbuyi's house, where Ms. Carter also lived. Once there, the officers conducted a perimeter sweep of the home. Finding no issues, the officers left. Approximately ten minutes after the officers left, Leggett arrived and shot Ms. Carter. Ms. Carter later died from her injuries.

An investigation by MNPDP's Office of Professional Accountability ("OPA") sustained a finding that the officers violated the MNPDP Manual 4.20.050 - Deficient or Inefficient Performance of Duties. The report found, among other shortcomings, that the officers should have performed the Lethality Assessment and verbally offered shelter and counseling to Ms. Carter. The report did not find that Ms. Carter's death would have been prevented absent the identified policy violations. One officer was suspended for two days. The other officer was an Officer-in-Training at the time of the incident and no OPA findings were made against him.

Under the Tennessee Governmental Tort Liability Act, monetary damages against a local government for injury or damage caused by the negligent acts of a local government are capped \$300,000.

The Department of Law recommends settlement of Ms. Jones-Mbuyi's claims for \$250,000.

Fiscal Note: This \$250,000 settlement along with Resolution No. RS2024-233 would be the 19th and 20th payments from the Self-Insured Liability Fund in FY24 for a cumulative total of \$1,099,000. The fund balance would be \$19, 579,631 after this payment.