



# Metropolitan Nashville and Davidson County, TN

## Legislation Text

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**File #:** RS2024-159, **Version:** 1

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A resolution authorizing the Metropolitan Department of Law to compromise and settle the claim of Joy Harris against the Metropolitan Government of Nashville and Davidson County in the amount of \$30,000 to be paid from the Judgments and Losses fund.

WHEREAS, Joy Harris, as next friend to the estate of Elisa Akers, filed a lawsuit against the Metropolitan Government of Nashville and Davidson County ("Metropolitan Government") and a former correctional officer of the Davidson County Sheriff's Office alleging violations of constitutional and statutory rights arising out of Ms. Akers's incarceration in a DCSO-operated jail facility; and,

WHEREAS, after investigation, the Metropolitan Department of Law believes that the settlement listed in Section 1 is 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 Joy Harris related to the events detailed above be compromised and settled for \$30,000 to be paid from the Judgments and Losses 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 Joy Harris for the sum of \$30,000 to be paid from the Judgments and Losses 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

In September 2021, Elisa Akers, who was incarcerated in a Davidson County Sheriff's Office ("DCSO") facility, informed her case manager that she had been sexually assaulted by a correctional officer the month before. Another inmate made similar allegations around this same time. The correctional officer was immediately placed on administrative leave and DCSO officials interviewed other inmates and correctional officers as part of an investigation into these claims.

Multiple inmates alleged that the corrections officer committed various acts of sexual assault, harassment, and misconduct. The matter was referred to the Investigative Division of the DCSO, and an investigation was opened with the Metro Nashville Police Department. Following the investigations, the DCSO sustained the reports of sexual harassment, misconduct, and Ms. Akers' claim of sexual assault. A disciplinary panel recommended that the corrections officer be terminated. He was terminated from his position on November 15, 2021.

Ms. Akers died of unrelated causes while still in DCSO custody in January 2022. Later that year, Joy Harris, Ms. Akers's adult sister, filed a lawsuit against the Metropolitan Government and the corrections officer on behalf of Ms. Akers' estate. The lawsuit makes a federal claim against Metro and a state claim against the corrections officer for which Metro would be liable for up to \$100,000. While the Department of Law believes it

could succeed in defending the federal claim, the facts of the case and various evidentiary and procedural questions would make the state claim much less certain to defend in a jury trial.

The Department of Law recommends settlement of Ms. Harris' claims for \$30,000.

*Fiscal note: This \$30,000 settlement along with Resolution No. RS2024-180 would be the 17<sup>th</sup> and 18<sup>th</sup> payments from the Self-Insured Liability Fund in FY24 for a cumulative total of \$827,469. The fund balance would be \$19,693,026 after this payment.*