



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: RS2021-716, **Version:** 1

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of April McQueen against the Metropolitan Government of Nashville and Davidson County in the amount of \$80,000.00, with said amount to be paid out of the Self-Insured Liability Fund.

WHEREAS, on October 4, 2017, April McQueen was working as a nurse in the medical clinic at the Davidson County Sheriff's Office Hill Detention Center. Ms. McQueen was assaulted by an inmate who was able to leave his pod and enter the medical unit after the electronic slider door securing his pod was opened by mistake. Ms. McQueen sustained personal injuries and medical expenses as a result of the assault; 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 April McQueen related to the events detailed above, be compromised and settled for \$80,000.00, 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 personal injury claim of April McQueen for the sum of \$80,000.00, 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

This resolution settles the personal injury claim of April McQueen against the Metropolitan Government for the amount of \$80,000 to be paid from the self-insured liability fund. On October 4, 2017, Ms. McQueen was a staff nurse in the medical clinic at the Davidson County Sheriff's Office (DCSO) Hill Detention Center. An inmate who was being detained on misdemeanor and felony assault charges was able to leave his inmate pod which was mistakenly opened by a correctional officer. The inmate was able to walk into the medical unit where Ms. McQueen worked, passing multiple security cameras and through multiple doors which should have been secured. The inmate asked Ms. McQueen for pain medication. She refused and asked who had escorted the inmate to the medical clinic. The inmate attacked Ms. McQueen, punching her, knocking her to the ground, and choking her. Correctional officers were able to subdue the inmate.

Ms. McQueen incurred medical bills totaling \$16,368 for injuries related to this incident. She was diagnosed with a facial contusion under her left eye and jaw pain. She later returned for treatment and was diagnosed

with a headache, closed head injury, dizziness and facial contusion and was referred to a neurologist. She was diagnosed with post concussive syndrome. She also required chiropractic adjustment and multiple treatment sessions. She was treated for psychological stress as a result of the assault and was diagnosed with post-traumatic stress disorder.

The Court will likely find that DCSO officers were at fault for failing to maintain proper control of the inmate. The Department of Law recommends settlement of these claims for \$80,000. A court would likely award more than the proposed settlement amount if the case went to trial.

There was no disciplinary action for DCSO employees involved.

Fiscal Note: This \$80,000 settlement, along with the settlement per Resolution No. RS2021-726, would be the 22nd and 23rd payments from the Self-Insured Liability Fund in FY21 for a cumulative total of \$1,495,369. The fund balance would be \$1,590,476 after these payments.