



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

**File #:** RS2021-860

**Type:** Resolution **Status:** Passed

**File created:** 3/26/2021 **In control:** Metropolitan Council

**On agenda:** 4/6/2021 **Final action:** 4/6/2021

**Title:** A resolution authorizing the Metropolitan Department of Law to compromise and settle the claim of Myriah Iles against the Metropolitan Government of Nashville and Davidson County, in the amount of \$55,000.00, with said amount to be paid out of the Judgments and Losses Fund.

**Sponsors:** Kyonzte Toombs

**Indexes:**

**Code sections:**

**Attachments:** 1. RS2021-860 Letter to Clerk

Date	Ver.	Action By	Action	Result
4/7/2021	1	Mayor	approved	
4/6/2021	1	Metropolitan Council	adopted	
4/5/2021	1	Budget and Finance Committee	approved	

A resolution authorizing the Metropolitan Department of Law to compromise and settle the claim of Myriah Iles against the Metropolitan Government of Nashville and Davidson County, in the amount of \$55,000.00, with said amount to be paid out of the Judgments and Losses Fund.

WHEREAS, on October 5, 2019, Myriah Iles was arrested and charged with aggravated assault after an altercation with an out of town visitor to downtown Nashville, with the charges later being dismissed after the visitor elected not to prosecute; 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 Myriah Iles related to the events detailed above be compromised and settled for \$55,000.00, and that this amount 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 civil rights and tort claims of Myriah Iles for the sum of \$55,000.00, with said amount 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

On October 5, 2019, Myriah Iles, currently a Metro Nashville Police Department (MNPd) detective, was

arrested for aggravated assault after being involved in an altercation in downtown Nashville. Det. Iles had been at a bar watching her girlfriend's band. Iles and her girlfriend, Casey Jamerson, left the bar intoxicated. Ms. Jamerson was having difficulty walking, so Iles attempted to carry her to the car. The later stated their plan had been to secure the car and then take a rideshare home.

As Ms. Jamerson was being carried by Det. Iles to the car, two females approached them and asked if Jamerson was okay. The two women stated that they thought Iles was a male and was kidnapping Ms. Jamerson. A physical altercation of some kind occurred, and one of the women who had approached them (later identified as "Ms. Coe") was struck in the nose, which resulted in her being taken to the hospital. Witnesses told the police that the men who were with Ms. Coe detained Det. Iles until the police arrived. Iles stated that she was swinging her arms in an effort to clear the area, but that she did not strike anyone. Iles further stated that she had been surrounded by people who were shoving and using racial slurs. After the police arrived, both Det. Iles and Ms. Coe were removed from the scene and taken to separate hospitals. It is undisputed that Ms. Coe was struck in the face and hospitalized.

The individuals involved in the altercation did not want to press charges against Det. Iles. However, she was arrested for aggravated assault based upon the evidence gathered at the scene by the responding officers. The warrant was sworn out by a detective after consulting with a lieutenant and two captains regarding probable cause for the arrest despite the victim's desire not to prosecute. The victim did not return to Nashville to prosecute, so the criminal charges were ultimately dismissed against Det. Iles.

Det. Iles sued Metro in federal court alleging false light invasion of privacy for publishing the arrest, and sued Det. Cuthbertson, Lt. Durbin, and Capt. Lara individually alleging false arrest and malicious prosecution. Iles has minimal monetary damages, and was subsequently moved from a police officer position to a typically preferred detective position.

The lawsuit against Metro was dismissed by the court, which is still subject to being appealed by the plaintiff. The claims against the three MNPD officers would likely go to trial. The three officers are currently being represented by outside counsel at Metro's expense pursuant to Section 2.40.130 of the Metro Code.

The Department of Law recommends settling the case against Metro and the three officers for \$55,000 to be paid out of the judgments and losses fund. If the case went to trial, the claims against the officers would hinge upon whether there was probable cause to make the arrest. The legal standard for probable cause is a reasonable basis for believing a crime has been committed, which has been described by the courts as more than a bare suspicion. *State v. Day*, 263 S.W.3d 891 (Tenn. 2008). It would be up to the jury to determine whether there was probable cause for the arrest.

The recommendation to settle this lawsuit appears to be a business decision since Metro would incur the expense of paying for private counsel for the three officers if the case went to trial. It is estimated the cost to defend the case through trial and appeals would be \$150,000 to \$200,000. While the officers seem to have a strong defense that they had probable cause to make the arrest, juries are unpredictable and it is reasonable to believe that a jury could determine that the officers should have investigated further before swearing out an arrest warrant.

No disciplinary action was taken against any of the MNPD officers involved.

*Fiscal Note: This \$55,000 settlement, along with the settlement per Resolution No. RS2021-861, would be the 3<sup>rd</sup> and 4<sup>th</sup> payments from the Judgment and Losses Fund in FY21 for a cumulative total of \$2,595,000. The fund balance would be \$437,597 after this payment.*