



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

**File #:** RS2022-1808

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

**File created:** 10/5/2022 **In control:** Metropolitan Council

**On agenda:** 10/18/2022 **Final action:** 10/18/2022

**Title:** A resolution authorizing the Metropolitan Department of Law to compromise and settle Seth Taylor's claim against Sgt. James LeMaster of the Davidson County Sheriff's Office in the amount of \$50,000.00 to be paid out of the Employee Professional Liability Fund.

**Sponsors:** Kevin Rhoten

**Indexes:**

**Code sections:**

**Attachments:** 1. Letter to Metro Clerk

Date	Ver.	Action By	Action	Result
10/19/2022	1	Mayor	approved	
10/18/2022	1	Metropolitan Council	adopted	
10/17/2022	1	Budget and Finance Committee	approved	
10/11/2022	1	Metropolitan Council	filed	

A resolution authorizing the Metropolitan Department of Law to compromise and settle Seth Taylor's claim against Sgt. James LeMaster of the Davidson County Sheriff's Office in the amount of \$50,000.00 to be paid out of the Employee Professional Liability Fund.

WHEREAS, Seth Taylor filed suit against Sgt. James LeMaster, alleging excessive force was used against him without reasonable cause in violation of his constitutional rights while Mr. Taylor was in the custody of the Davidson County Sheriff's Office; 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 the claim of Seth Taylor be compromised and settled for \$50,000.00, and that this amount be paid from the Employee Professional 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 claim of Seth Taylor for the sum of \$50,000.00 to be paid from the Employee Professional 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 August 25, 2016, Seth Taylor was in the custody of the Davidson County Sheriff's Office ("DCSO"). A mental health professional informed a DCSO officer that Mr. Taylor's mother called and was concerned that Mr. Taylor may be suicidal. The mental health professional wanted to speak to Mr. Taylor but Mr. Taylor

refused. The mental health professional reiterated the request to the DCSO officer, who relayed the request to Mr. Taylor. Mr. Taylor again refused to speak with the mental health professional. The mental health professional informed the DCSO officer that Mr. Taylor would need to be taken to a “safe room” for observation.

The DCSO officer returned to Mr. Taylor’s bunk two more times and informed Mr. Taylor that he would have to be transferred to a safe room if he refused to speak to the mental health professional. Mr. Taylor again refused to see the mental health professional and consented to be taken to the safe room. When the DCSO officer returned to transfer Mr. Taylor to the safe room, Mr. Taylor refused. The DCSO officer returned to Mr. Taylor’s bunk once more, this time with another officer, in order to transfer Mr. Taylor to the safe room. Mr. Taylor again refused.

The DCSO officer notified his supervisor of the situation. The supervisor composed an extraction team and a plan for transporting Mr. Taylor to the safe room. The plan included a calculated use of force if necessary. The extraction team consisted of five individuals, including the DCSO officer and the supervisor. The supervisor instructed the officers that Mr. Taylor would be directed to get up and come out of his cell and, if he did not comply, he would be sprayed with chemical spray and removed from the cell. Per DCSO policy, the extraction was video recorded.

Mr. Taylor did not cooperate with officers when told to get up in order to be transferred to the safe room. After ignoring multiple instructions to get up, a DCSO officer deployed chemical spray. Mr. Taylor resisted the officers’ attempts to place handcuffs on him. One officer placed Mr. Taylor in a neck restraint in order to gain head control of Mr. Taylor. At the time, this was an approved technique. The officer ended up with Mr. Taylor on top of him on the bunk. Mr. Taylor alleges that the officer threatened to break his neck and alleges that he lost consciousness. Neither allegation has been substantiated. The officers were eventually able to place wrist and leg restraints on Mr. Taylor. Mr. Taylor was then carried to a holding cell where he was treated for chemical spray exposure by medical staff. Mr. Taylor was then transferred to a safe room.

Mr. Taylor alleges that he sustained injuries to his back, hand, and wrist as a result of the officers’ use of force. A court has dismissed all of Mr. Taylor’s excessive force claims related to (1) the deployment of chemical spray and (2) the method in which the officers carried him from his cell. The only claim not dismissed as Mr. Taylor’s excessive force claim related to the DCSO officer’s use of a neck restraint.

While permissible at the time of the incident, the use of a neck restraint is no longer an approved method of restraint for DCSO officers. To continue with the litigation, Metro would be in a position of defending an outdated restraint method. The Department of Law recommends settlement of Mr. Taylor’s use of force claim for \$50,000.

*Fiscal Note: This \$50,000 settlement would be the 1<sup>st</sup> payment from the Police (Employee) Professional Liability Claims Fund in FY23 for a cumulative total of \$50,000. The fund balance would be \$1,683,276 after these payments.*