



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: RS2021-1053, **Version:** 1

A resolution authorizing the Metropolitan Department of Law to compromise and settle the civil rights and state law claims of Patrick Greve against Austin Bass in the amount of \$80,000.00, with said amount to be paid out of the Judgments and Losses Fund.

WHEREAS, Patrick Greve filed a lawsuit against Metropolitan Nashville Police Officer Austin Bass alleging a Fourth Amendment false arrest claim and a state law malicious prosecution claim arising out of his arrest and charges for public intoxication and attempted burglary on February 25, 2015; 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 Patrick Greve related to the events detailed above be compromised and settled for \$80,000.00, 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 state law claims of Patrick Greve for the sum of \$80,000.00 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 February 25, 2015, Patrick Greve was arrested outside of the venue Citizen/Virago. Mr. Greve had been attempting to collect his personal belongings from inside of the locked venue after working as a roadie and photographer during a private music entertainment event. The burglar alarm had been set off as other individuals found a way inside the venue in order to retrieve their own belongings. Despite knowing that the door was locked, that the business was closed, and that everyone associated with the event had left, Mr. Greve attempted to open the front door, causing the handle to fall off in his hand.

A responding MNPd officer saw Mr. Greve standing outside of the venue. Mr. Greve explained that he had been attempting to enter the venue to retrieve his personal belongings. The manager of the venue walked the officers on the scene through the venue and confirmed that nothing was out of place. The manager confirmed that Mr. Greve was not authorized to re-enter the venue. Mr. Greve was arrested for public intoxication and burglary. The District Attorney's office dismissed the charges.

Mr. Greve filed a lawsuit alleging that his arrest violated the Fourth Amendment and that he was maliciously prosecuted for attempted burglary and public intoxication.

The Department of Law recommends settling the case for \$80,000 to avoid the risk of trial. If the case went to

trial, the claim would hinge on whether the MNPd officer involved had probable cause to arrest Mr. Greve. The legal standard is whether the facts and circumstances known to the officer “warrant a prudent mand in believing that the offense has been committed.” *Logsdon v. Hains*, 492 F.3d 334, 341 (6th Cir. 2007). It would be up to a jury to determine whether there was probable cause for the arrest.

No disciplinary action was taken against the MNPd officer involved.

Fiscal Note: This \$80,000 settlement would be the 1st payment from the Judgment and Losses Fund in FY22 for a cumulative total of \$80,000. The fund balance would be \$8,148,256 after these payments.