**File #:** RS2024-774, **Version:** 1

A resolution authorizing the Metropolitan Department of Law to compromise and settle the claim of Beth York, as next of kin of Jacqueline York, deceased, against the Metropolitan Government of Nashville and Davidson County in the amount of $125,000, and that said amount be paid out of the Self-Insured Liability Fund.

WHEREAS, on December 21, 2022, Jacqueline York died by suicide while incarcerated at the Davidson County Sheriff's Office's Correctional Development Center. Her next of kin, Beth York, has asserted negligence, medical malpractice, and wrongful death claims against the Metropolitan Government, Wellpath (contractor who provides health services at Davidson County jails), and Wellpath employee Michael Baker arising out of Jacqueline York's care and treatment while incarcerated and for failing to take appropriate measures to prevent her in-custody death.

WHEREAS, after investigation, the Metropolitan Department of Law believes that the settlement listed in Section 1 is fair and reasonable and in the best interests of the Metropolitan Government, and recommends that any and all claims or causes of action that Beth York brought or could have brought related to the events detailed above be compromised and settled for $125,000, 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 Beth York for the sum of $125,000, 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

On September 9, 2022, Jacqueline York was booked into the Correctional Development Center operated by the Davidson County Sheriff's Office ("DCSO"). Wellpath, a contractor that provides healthcare services at DCSO jails, conducted Ms. York's intake screening and documented extensive mental health issues. Wellpath's records from Ms. York's prior incarcerations showed a history of mental health evaluations and treatment and multiple placements on suicide precaution.

Ms. York was placed in the jail's general population housing and given a treatment plan that included medication. On December 10, 2022, she was placed on suicide precaution for two days after self-reporting that she was feeling suicidal, though she later recanted the report and said she had been joking.

On December 19, 2022, several inmates reported seeing Ms. York engaged in self-harm. When two DCSO staff members arrived at her cell, she denied any self-harm. However, the staff members observed indications of potential self-harm and called their supervisor. Ms. York denied to the DCSO supervisor that she tried to hurt herself. The supervisor stated that he did not see any indications of self-harm and advised the staff members that this incident did not need to be documented. The next day, the DCSO supervisor filed a

separate mental health referral for Ms. York but did not include any details about the incident the day prior.

On December 21, 2022, Ms. York met with a Wellpath licensed master social worker around 9 a.m., made concerning statements, and requested an adjustment to her medication. Ms. York was advised to make her medication adjustment request at a previously scheduled upcoming mental health appointment. In the days and months leading up to this meeting, Ms. York and her mother had made numerous complaints that the medication was not working. Ms. York was not placed on suicide precaution following the conversation with the Wellpath licensed master social worker. Later that afternoon, DCSO staff responded to calls for help from other inmates, and found Ms. York unresponsive. DCSO and Wellpath staff attempted lifesaving care until first responders arrived. Ms. York was declared dead by the first responders shortly thereafter.

Ms. York's mother Beth York filed a lawsuit alleging wrongful death and negligence against the Metropolitan Government, Wellpath, and a Wellpath employee. The Metropolitan Government could argue that Wellpath and the Wellpath employee were at comparatively greater fault for Ms. York's death. However, a jury could still attribute some percentage of fault on the Metropolitan Government. A wrongful death claim could lead to a high damages award, and even a small percentage of fault could lead to a significant judgment against the Metropolitan Government.

The Department of Law recommends settling the claim in this case for $125,000. This case settlement came about through mediation in which all co-defendants participated. Wellpath has agreed to contribute substantially to the settlement, though the terms of that settlement remain confidential.

Disciplinary action taken against the DCSO supervisor involved consisted of a five-day suspension.

*Fiscal Note: The total settlement amount is $125,000.00. This settlement along with Resolution Nos. RS2024-788, and RS2024-796 would be the 12$^{th}$, 13$^{th}$ and 14$^{th}$ payments from the Self-Insured Liability Fund in FY25 for a cumulative total of $566,087. The fund balance would be $13,620,531 after this payment.*



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