

**RESOLUTION NO. RS2018-1192** (VERCHER) – This resolution would authorize the Department of Law to settle the civil rights and negligence claims of Edgar Mhoon against the Metropolitan Government in the amount of \$550,000.

On August 8, 2015, Mr. Mhoon, an inmate at the Davidson County Sheriff Office's CDM facility, asked an officer distributing razors in the dayroom to change the television channel. When the officer did not immediately react, Mr. Mhoon became disruptive and was ordered to a holding cell. Mr. Mhoon refused to comply and the officer attempted to escort Mr. Mhoon to the cell. According to witness accounts, Mr. Mhoon turned violent, dug his fingernails into the officer's arm and the officer and Mr. Mhoon began to wrestle. Mr. Mhoon disputes this and alleges the officer aggressively confronted him, escalated the situation, and "slammed" him to the ground.

A Code Red was issued and other officers responded to the scene. The officers who initially responded entered an unknown situation and removed Mr. Mhoon from the dayroom because he was lying on the ground amongst razors and blood. He was evaluated by the nurse on site, who recommended Mr. Mhoon be transported to the hospital for the injury to his thumb.

It was ordered that Mr. Mhoon's clothes be changed before transporting due to blood on his jumpsuit. Mr. Mhoon repeatedly stated that he could not move. The officers believed Mr. Mhoon could move, instructed him to "stop pretending," and changed his clothes. He was then transported by car, not ambulance, to Nashville General Hospital. Mr. Mhoon alleges he was "forcibly drug" to the police car.

Mr. Mhoon sought treatment for his injuries at Nashville General Hospital. He was then sent to Vanderbilt to assess his claims of paralysis. It was determined that Mr. Mhoon was indeed paralyzed and he underwent surgery. Both of his legs were amputated as a result of his paralysis, although other underlying factors such as diabetes and less than optimal medical care post-surgery may have contributed to the need for amputation. Mr. Mhoon's medical expenses are over \$2,000,000 and accruing daily.

Mr. Mhoon has agreed to accept a total of \$550,000 in full settlement of this case.

In addition to the claims against the Metropolitan Government, Mr. Mhoon brought civil rights and intentional tort claims against six (6) Davidson County Sheriff's Office employees. Those claims will be dismissed as a condition of settlement. (The Metropolitan government is providing outside counsel for the DCSO employees.)

The Department of Law recommends settlement of this claim for \$550,000. The civil rights claim against the Metropolitan Government and the individual employees do not have liability caps and allow for an award of Mr. Mhoon's attorney fees. Any civil rights award would likely be substantial. Governmental immunity can be removed for claims of negligence, and the cap for negligence under the Tennessee Governmental Tort Liability Act is \$300,000 per incident. (Tenn. Code Ann. §§ 29-20-201, 29-20-403).

No disciplinary actions were taken against the employees involved.

*Fiscal Note: This settlement would reduce the balance of the Self-Insured Liability Fund by \$550,000.*