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## Metro Nashville vs. F. Scott Sulfridge

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**BEFORE THE CIVIL SERVICE COMMISSION  
of THE METROPOLITAN GOVERNMENT of  
NASHVILLE AND DAVIDSON COUNTY**

IN THE MATTER OF:

F. SCOTT SULFRIDGE

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DOCKET NO. 43.02-109043J

**INITIAL ORDER**

The hearing in this matter came before Mattielyn B. Williams, Administrative Judge, assigned by the Secretary of State, Administrative Procedures Division, sitting for the Civil Service Commission of the Metropolitan Government of Nashville and Davidson County, on April 1, 2011. Appellant F. Scott Sulfridge represented himself. Metropolitan Attorneys Jennifer D. Cavanaugh and Susan T. Jones were Co-Counsel for the Metropolitan Government of Nashville and Davidson County.

This matter became ready for consideration on June 8, 2011, with the filing of the Appellant's Proposed Order.

The subject of this appeal is the Appellant's two (2) day suspension from the Metropolitan Police Department. After consideration of the record and arguments of the parties, it is **DETERMINED** that Appellant's conduct merits the discipline of a **ONE (1) DAY SUSPENSION**.

This decision is based on the following Findings of Fact and Conclusions of Law:

## FINDINGS OF FACT

1. Appellant F. Scott Sulfridge is a Detective with the Metropolitan Police Department (MPD). At the time in question, the Appellant was new to working in the Homicide Division of MPD. The Appellant's position involved investigating homicides, but also included transporting prisoners to and from the jail for questioning in interview rooms.

2. Lieutenant Randy Alexander supervises both the Appellant and Detective Derry Baltimore. Lieutenant Alexander testified that the Appellant has more years of service with MPD, but that Detective Baltimore has "worked literally dozens of homicides. So I paired the two of them up, since I had just recently moved Detective Sulfridge to work in Homicide, for – for him to have a learning experience with Detective Baltimore." Detective Baltimore has seventeen (17) years of experience with MPD.

3. On March 9, 2010, Mr. Ordiesse Arrindell was arrested for aggravated armed robbery. During the arrest, Mr. Arrindell attempted to shoot or injure a Police Officer. The arresting Officers were required to use force to detain him. At one point, Mr. Arrindell was distraught and asked Lieutenant Randy Alexander to "just kill me."

4. On March 10, 2010, the Appellant and Detective Baltimore escorted Inmate Arrindell from the jail to an interview room in the Criminal Justice Center (CJC), without incident. After the formal interview at CJC concluded, Appellant and Detective Baltimore began escorting the Inmate back to the jail. Both the Appellant and Detective Baltimore were aware of the events of March 9, 2010, concerning Inmate Arrindell.

5. Inmate Arrindell claimed that he had either bruised or broken ribs from the day before. Inmate Arrindell was in leg shackles on both the journey to and from the CJC.

6. Although the Appellant was technically the Lead Officer for the Arrindell investigation, Detective Baltimore made the decision not to place Inmate Arrindell's hands in handcuffs, behind his back, and directed the Appellant not to do so. As Detective Baltimore testified, "it was my decision. I don't supervise Scott, but it was my say."

7. The Appellant gave Detective Baltimore a look of surprise, but complied with Detective Baltimore's direction since Detective Baltimore was far more experienced in Homicide and planned to question the Inmate further, in hope of gaining information from him about the murder of a Mr. Zuniga.

8. Second Avenue is a street open to the general public. While on the Second Avenue portion of the journey back to the jail, Inmate Arrindell attempted to grab Detective Baltimore's service weapon. The Appellant, Detective Baltimore, and a third Officer restrained Inmate Arrindell.

9. Deputy Chief Damien Huggins testified that either or both the Appellant and Detective Baltimore should have inquired of a Supervisor if uncertain whether the Inmate's injuries suggested or required that he not be handcuffed behind his back. Deputy Chief Huggins continued that it is possible to handcuff someone in front or to use a handcuff belt when Officers want to make certain that they do not aggravate an Inmate's injuries.

10. Deputy Chief Louise Kelton, designee for the Chief of Police, gave the Appellant a two (2) day suspension for violation of General Orders 09-03 and 08-03. Since this incident was a first offense for the Appellant, the violation was viewed as a Category D offense. Category D offenses carry a range of suspension from one (1) to four (4) days on the MPD's Disciplinary/Corrective Action grid.

11. Detective Baltimore received a two (2) day suspension for his conduct in this incident.

12. Deputy Chief Huggins opined that a one (1) day suspension would have been appropriate if Inmate Arrindell did not have violent tendencies towards self and others.

13. Appellant Sulfridge was properly and timely informed of the charges against him, elected to request a hearing before the Designee of the Chief of Police, did receive a hearing before Deputy Chief Kelton on August 9, 2010, and waived an offered hearing by the Disciplinary Board.

## CONCLUSIONS OF LAW

1. Chapter 6, Section 6.7(11) of the Rules of the Civil Service Commission of the Metropolitan Government of Nashville and Davidson County shows that discipline can be imposed for:

(11) Violation of any written rules, policies or procedures of the department in which the employee is employed.

2. MPD General Order 09-03(VII)(A) indicates that:

Employees shall adhere to all policies, procedures, rules, regulations, ethical codes, and administrative or executive orders as established by the department or Metropolitan Government. ...

3. MPD General Order 08-03(IV)(B), part of Exhibit 2, reads:

For the safety and protection of all concerned a member shall use handcuffs to restrain persons arrested for any offense. A person being arrested for any violation shall be thoroughly searched and handcuffed behind their back, in accordance with training and established policy and procedure, unless there are extenuating circumstances or physical limitations.

MPD General Order 08-03(V)(K) reads:

A member escorting a prisoner on foot shall be responsible for the security of the prisoner and the degree to which the prisoner is restrained.

4. Metropolitan Government contends that the General Order on Arrest applies at the time of arrest, as well as during the time of detention, when an Inmate (an arrested, but not convicted, person) is transported. Metropolitan Government views handcuffing of some type, appropriate to the Inmate's condition, as mandatory.

5. The Appellant contends that once an arrested person has become an Inmate, only MPD General Order 08-03(V)(K) applies, which gives the escorting Officer more flexibility.

6. Agencies are due some deference as to the interpretation of their own statute, Rules and Orders. In addition, a person who is in jail, but has not been convicted of a crime, is an arrested person. It is **CONCLUDED** that Metropolitan Government's position is correct. Therefore, it is also **CONCLUDED** that Inmate Arrindell should have been handcuffed at a minimum, perhaps in front or through use of a handcuff belt.

7. Now that it has been established that the Appellant violated MPD General Order 08-03(IV)(B), one must consider what level of discipline, if any, is appropriate.

8. Progressive discipline requires that discipline be instituted at the lowest level appropriate to gain future compliance.

9. Though not expressly stated, it appears that the Appellant had a disciplinary record that was free of infractions or contained only remote infractions.

10. Although Appellant Sulfridge was technically the Investigating Officer in charge, Lieutenant Alexander had paired new Appellant Sulfridge with veteran Homicide Detective Baltimore for the specific purpose of Baltimore showing the Appellant how things proceed in Homicide. It is **CONCLUDED** that Appellant Sulfridge, the Homicide student, simply loyally followed the command of his experienced, wise Homicide Instructor Detective Baltimore.

11. It is **CONCLUDED** that Appellant Sulfridge's own surprise when Detective Baltimore directed him not to handcuff Inmate Arrindell is quite telling and

**DEMONSTRATES** that Appellant Sulfridge either knew, thought, or suspected that handcuffing was required. Based on the Appellant's demeanor, the Undersigned is confident that Inmate Arrindell would have been handcuffed in some fashion, had the Appellant been the true decision-maker.

12. It is true that Officers/Detectives are expected to be independent in their decision-making and are supposed to ask questions of Supervisors when uncertainty exists; however, it is also true that when Officers/Detectives or any personnel are assigned new duties, it is only reasonable for them to follow the Instructor to whom they have been assigned, absent extreme conduct (example of extreme conduct would be if Detective Baltimore had suggested that leg shackles not be used, coupled with the disarming of both Detectives, all in the interest of appearing more friendly and thus gaining the Inmate's trust and release of information).

13. Instructor Detective Baltimore received a two (2) day suspension for his leading role in the March 10, 2010 incident.

14. Based on the above, it is **CONCLUDED** that the appropriate discipline for Student Appellant Sulfridge's conduct is a **ONE (1) DAY SUSPENSION**.

15. Accordingly, Appellant Sulfridge is to be **RESTORED** any vacation or other leave time, pay, and/or other benefits associated with the additional one (1) day of suspension already received.

This Initial Order entered and effective this 28th day of July, 2011.

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Mattielyn B. Williams  
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State  
this 28th day of July, 2011.

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Thomas G. Stovall, Director  
Administrative Procedures Division