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Cory West vs. Metro Nashville

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

IN THE MATTER OF:)
)
CORY ALEXIS WEST) **Docket No. 43.02-116655J**
)

INITIAL ORDER

This matter was heard as a contested case in Nashville, Tennessee on July 2, 2013 before Anthony Adgent, Administrative Judge, assigned by the Secretary of State, Administrative Procedures Division, and sitting for the Civil Service Commission of the Metropolitan Government of Nashville and Davidson County (Metro). Mr. Jon Michael represented Metro, and Ms. Kim Gilleland represented the Respondent.

The issue to be heard concerns a thirty day suspension received by the Respondent for alleged solicitation of a prostitute while on a Police Department training trip.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Cory West was employed with MNPD as a police detective.
2. In early May 2011, Mr. West was in North Carolina for a training seminar, paid for by MNPD.
3. On the same night of his arrival in North Carolina for the seminar, Mr. West got online and used undercover name to communicate with individuals who posted adult services on websites like escorts.com, craigslist, and others.
4. Mr. West admitted that he used his undercover name because he would not want his own name to appear on some of the websites he visited for these services. Mr. West entered

multiple exchanges of email correspondence with multiple individuals regarding such adult services.

5. Mr. West continued to engage in these email exchanges and conversations for well over three hours late the night of May 3 and early in the morning of May 4, 2011. Mr. West engaged in still other similar adult communications through social media sites for an even longer block of time that night.
6. Detective Chad Gish demonstrated his expertise in technical forensic analysis, particularly in the realm of computer and internet communications.
7. As a regular part of his job, Det. Gish also investigates internal cases for MNPD, including this case involving Mr. West.
8. Det. Gish testified that the emails shown in EXHIBIT 2 were authentic, and not fabricated, doctored, edited, or otherwise changed from their original form. .
9. Mr. West admitted that all of the emails shown in EXHIBIT 2 were emails that he created and/or received under the undercover name, Kevin Adams.
10. Mr. West received emailed information about availability for such services, conditions for such services, and even the pricing for such services in his email exchanges.
11. Mr. West had experience assisting with the investigation of street level crimes and online aspects of such crimes, including prostitution.
12. Mr. West knew what to say and what not to say in communications regarding illicit activity, including such activity as drugs, gambling, or prostitution.
13. Mr. West is convinced that he did nothing wrong since he didn't actually hire or bring a prostitute to his hotel room.

14. Lieutenant Charles Widener worked at SID, where Mr. West was assigned, at the time MNPD's disciplinary investigation was initiated.
15. Lt. Widener has extensive experience in the investigation of prostitution and other street level crimes.
16. Lt. Widener, based on his experience as a police detective, confirmed that craigslist is a known resource for setting up encounters with prostitutes.
17. Lt. Widener believes that Mr. West knew exactly what he was doing by using guarded language in his online solicitations of call girls and prostitutes.
18. Captain Paul Trickey confirmed that Mr. West had been regularly exposed to prostitution investigations enough to understand the unique language associated with call girl and prostitute solicitations.
19. After his interview of Mr. West, Capt. Trickey believed that West knew exactly what he was doing in his online communications and that West was attempting to hire a prostitute.
20. Capt. Trickey repeatedly emphasized the dishonor that this conduct brings to both Mr. West and the MNPD.
21. The MNPD disciplinary grid offers a range of 20 to 30 day suspension, up to demotion, and all the way up to termination for this category of violation.
22. In the year preceding the events that gave rise to the immediate Civil Service case, West had been suspended a total of twelve (12) days.
23. Civil Service Rules dictate that employees suspended for more than thirty (30) days in a year shall be terminated from their employment.
24. Mr. West's actions constitute a violation of General Order 09-03.

25. Mr. West's actions constitute a violation of Civil Service rules as detailed in Section 6.7.

26. Mr. West's violations are punished in accordance with the disciplinary grid utilized by MNPD.

ANALYSIS AND CONCLUSIONS OF LAW

1. Mr. West knew exactly what he was doing on May 3 and 4, 2011. He used guarded and coded language with the call girls that he contacted via online communications that night. Mr. West thus carefully minimized his exposure to typical police stings as well as potential criminal set up scenarios.

2. Mr. West wasn't just wasting time and combating boredom. He was trying to meet a prostitute that night.

3. Those actions discredit Mr. West as a law enforcement officer as well as the agency that employed him. Those actions betray not only the public trust, but the credibility that Mr. West would need on the stand as a trustworthy witness in court. Furthermore, Mr. West's failure to be accountable for his actions only exacerbates the impropriety of his actions. He still insists that because prostitution was not explicitly solicited and no one came to his hotel room, that he did nothing wrong. The Metropolitan Government disagrees with Mr. West in that assessment.

4. MNPD charged Mr. West with conduct unbecoming of an employee of the department. The Metropolitan Government argues that Mr. West's admitted actions in this case comprise a virtual living, breathing, emailing definition of "conduct unbecoming" of a police detective. And as importantly, a substantial suspension is absolutely appropriate as a disciplinary response to such poor decision making and the unapologetic stance that followed.

5. The Metropolitan Government submits that MNPD's disciplinary action is appropriate and should be upheld accordingly.

6. After consideration of these findings of fact and conclusions of law, it is determined that the 30-day suspension of Cory Alexis West is proper, and the disciplinary action is upheld. The findings were made as of the ____ day of _____, 2013.

Anthony Adgent
Administrative Law Judge