

IN THE MATTER OF:

APPEAL OF JOSHUA WALL

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**DECISION OF THE SCOTT
COUNTY CIVIL SERVICE
COMMISSION**

NOW on this day of September, 2024, the Scott County Civil Service Commission through commissioners, Michael Limberg, Christine Schilling, and acting chair, Garth Carlson, file and serve the following decision of this Commission with respect to the employment of Sheriff Deputy Sergeant Joshua (Josh) Wall (hereinafter Sgt. Wall).

The commission notes that a full day hearing was held in this matter on August 21, 2024. This hearing was held pursuant to Iowa Code Section 314A.12. The Sheriff's Office was represented by the Scott County Attorney's Office, Civil Division, Kristina Lyon, as counsel. Sgt. Wall was present and participated along with his counsel, Skylar Limkemann of Smith Mills Law. The hearing was reported. Evidence and exhibits were received. The commission has reviewed the exhibits and listened to the audio evidence provided. The commission reviewed the notification of internal investigation dated April 1, 2024 and provided to Josh Wall. The notice contained three rules of conduct that were being investigated for possible violation. 1.01 Unbecoming Conduct, 1.36 Dissemination of Information, 1.37 Intervention. The Sheriff's Office subsequently conducted a name clearing hearing on July 30, 2024. The notice of that hearing was sent to Sgt. Wall on July 22, 2024. Sgt. Wall was advised of the following Notification of Charges/Allegations: 1.01 Conduct Unbecoming, 1.10 Unsatisfactory Performance, 1.36 Dissemination of Information, 1.37 Intervention, 1.38 Sheriff's Office Reports.

This commission finds that a meaningful investigation and name clearing hearing were conducted. Tim Lane, as Sheriff, did not conduct these matters. The investigation was done by Lt. Leonard. The name clearing hearing was conducted by Capt. Thompson. At said hearing, Sgt. Josh Wall participated with counsel Limkemann. Following the name clearing hearing, Sgt. Thompson met with Sheriff Lane. Sheriff Lane, based upon the evidence and Capt. Thompson's findings that substantiated each of the rules of conduct listed had been violated by Sgt. Wall, then made the decision to terminate Sgt. Wall. That decision is required to be reviewed by this Commission if there was a timely appeal of that action by the Sheriff.

Sgt. Wall timely appealed. This commission believes that participants and witnesses called in the appeal hearing before the commission were direct with responses and appeared honest. All were clearly very professional in responses and demeanor. The support for Sgt. Wall is noted, along with the letters speaking to his character, as noted in Exhibit R presented by Sgt. Wall through counsel were received and reviewed. The commission reviewed same and notes impressive support from peers and a solid employment history with the Sheriff's Department.

In reviewing all the testimony, the notes taken by the commission, the evidence and exhibits presented and received, and the audio evidence received, this commission finds that the termination of Sgt. Wall is supported by the totality of evidence.

This decision was reached after significant deliberation. All members believed sufficient evidence was received to support findings that Sgt. Wall violated rules of conduct regarding 1.10 Unsatisfactory Performance, 1.36 Dissemination of Information, 1.38 Sheriff's Office Reports. This supports termination under Iowa Code Section 341A.11, regarding subsection 1. And 7. The commission notes that Sgt. Wall did not follow well established procedure that was clearly known to him regarding reporting his investigation. Though the investigation may have involved Sheriff Lane's spouse, Sgt. Wall completely failed to bring his concerns to the attention of anyone. There is far from clear evidence any potential crime was committed here as first described to Sgt. Wall. The secretive nature of what was done, so far afield from standard and required procedure leaves the majority of this commission to determine that the totality of actions by Sgt. Wall show him unsuitable to remain employed within the Sheriff's office, as per the specific violations note and per Iowa Code 341A.11(7).

The commission believed that Sgt. Wall had a legitimate concern when very first hearing from Mr. Blake, but thereafter, Sgt. Wall did not follow any proper procedure or reporting or documentation so required. He failed to take proper steps to notify virtually anyone in the Sheriff's Department, or the County Attorney's Office, the Attorney General's Office, or the Department of Criminal Investigations. If he truly believed a crime had been committed, he really told no one, at least for many months. Sgt. Wall made a secret investigation, and really did so as a Sheriff's deputy. He met with Mr. Blake on two occasions. Mr. Blake did not demand further investigation. Sgt. Wall, nonetheless, made recordings of interviews not per department procedure, then drafted essentially a "secret report". Sgt. Wall did not maintain a chain of evidence. He then produced this "report" as prepared on his home computer some 8-9 months later to a state senator with the instruction to turn this report into the state Attorney General. The lack of bringing up any concerns about a potential crime over those many months to any supervisor or any of the above, caused this commission great difficulty in supporting Sgt. Wall's future employment within the Department. The result was a concern that such rogue investigatory behavior and improper reporting procedure would be quite detrimental to the Sheriff's Office. Concern was given to Sgt. Wall's record and performance, however, as set forth herein, the decision of this commission is to ultimately uphold the decision by the Sheriff to terminate Sgt. Wall from employment.

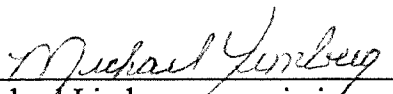
The commission remains concerned about the issue of pay and benefits, however, we do not believe we have the power to make a decision with respect to granting pay and/or benefits up to the time of this decision. We do not see the specific authority granted by statute or case law. The majority determination of this commission is therefore to take no position thereon and simply affirm the order and decision of the Sheriff as to termination.

SO reviewed and submitted for filing as the certified decision of the Scott County Civil Service Commission with copies to counsel as set forth below.

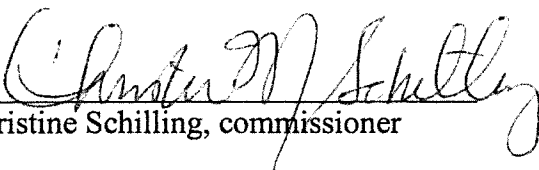
Dated this 16th day of September, 2024.



Garth Carlson, commissioner



Michael Limberg, commissioner



Christine Schilling, commissioner