



TOWN OF JUPITER

March 16, 2016

Sergeant Amy Walling
Jupiter Police Department
210 Military Trail
Jupiter FL 33458

Re: Town Manager Determination Letter regarding Internal Affairs Investigation 2016-003

Dear Sergeant Walling:

As you are aware, you have been the subject of a Jupiter Police Department Internal Affairs Investigation (IA 2016-003) in response to a series of alleged violations involving you having sex with Sergeant VanSteenburgh when he was on duty and sending and receiving inappropriate photographs of yourself and Sergeant Jason VanSteenburgh. The investigation resulted in the following alleged violations and findings:

- **Allegation of Conduct Unbecoming an Officer for having oral sex with Sergeant VanSteenburgh while he was on-duty on July 25, 2015**
You indicated and provided evidence that you performed oral sex on Sergeant VanSteenburgh at your home during his scheduled work hours on July 25, 2015. As a result, the following violation was investigated and **sustained**:
 - General Order 1.4 (101) Conduct Unbecoming an Officer/Employee
- **Allegation of Conduct Unbecoming an Officer for taking and sending a photograph of yourself wearing a Jupiter Police Department uniform while being partially exposed**
Sergeant VanSteenburgh provided the Jupiter Police Department with a photograph of you, while you were serving as a Major, wearing a Jupiter Police Department Class "A" Sergeants uniform shirt exposing your breasts. As a result, the following violation was investigated and **sustained**:
 - General Order 1.4 (101) Conduct Unbecoming an Officer/Employee
- **Allegation of failing to report the receipt of a photograph of Sergeant Jason VanSteenburgh wearing a Jupiter Police Department uniform while partially exposing his penis**
You provided the Jupiter Police Department with a photograph of Sergeant VanSteenburgh wearing a Jupiter Police Department uniform while his penis was exposed. The photo was taken on April 24, 2015 when, at that time, Sergeant VanSteenburgh was under your command. As a result, the following violations, which were investigated, are **sustained**:
 - General Order 1.4 (155) Duty to Report Misconduct
 - General Order 1.4 (153) Code of Ethics for Public Offices and Employees
 - General Order 1.1.6 Code of Ethics for Public Offices and Employees

- **Allegation of Integrity Violation**

The performance of oral sex on Sergeant VanSteenburgh while he was on duty on July 25, 2015, the failure to report the receipt of the April 24, 2015 photograph of Sergeant VanSteenburgh with his penis exposed and taking and sending the photograph of yourself, with your breasts exposed, about two years ago, led Chief Kitzerow to **sustain** charges that you violated General Order 1.4 (105) Integrity.

On February 3, 2017, as a result of his review of Internal Affairs Case 2016-003, Chief Kitzerow recommended that your employment with the Town of Jupiter be terminated.

Town Manager Evaluation of Recommended Disciplinary Actions:

Upon receipt of the IA 2016-003 file on February 6, 2017, I began reviewing the findings of the investigation, the competent substantial evidence from this investigation and Chief Kitzerow's recommendation for termination of your employment with the Town.

On Monday, March 6, 2017, I met with you and your attorney, Ms. Elizabeth Parker. Ms. Parker alleged that the Department had violated your rights under F.S. 112.532-534 ("Officer's Bill of Rights") during the interviews conducted with you by Majors Adam Hirsch and David England on November 10, 2016. Further, she argued that you have been attempting to "do the right thing" by providing evidence of General Order violations committed by Sergeant Jason VanSteenburgh.

Ms. Parker requested that I consider enforcing the provisions of my disciplinary letter associated with IA 2016-002, or some other action that would allow you to retire, as opposed to supporting Chief Kitzerow's recommendation of termination of employment.

Town Manager Determination:

As you and Ms. Parker have agreed, there is no disputing the following facts:

- On July 25, 2015, you performed oral sex on Sergeant VanSteenburgh while knowing he was on duty,
- On April 24, 2015, you received a photo of Sergeant VanSteenburgh with his penis exposed, while he was in uniform and under your command, and
- Approximately two years ago, you took and sent a photo of yourself, to Sergeant VanSteenburgh, wearing a Jupiter Police Department uniform shirt with your breasts exposed.

Regardless of any possible attempt to "do the right thing" by bringing forward the video capturing you in the act of performing oral sex on Sergeant VanSteenburgh on July 25, 2015 or sharing the photo of Sergeant VanSteenburgh in uniform with his penis exposed, these events so severely damage your professional credibility, and reflect so poorly upon the Department, that they require significant discipline in response. Additionally, I cannot agree with Ms. Parker's conclusion that the Department's process violated the Officer's Bill of Rights.

In evaluating all three of the alleged actions, your decision-making is rightfully called into question. While you certainly didn't compel Sergeant VanSteenburgh to have sex with you while on duty, you didn't discourage the sexual act and were aware that it was a violation of the General Orders for him to engage in this activity. You received the photo of Sergeant VanSteenburgh while in uniform and partially exposed, while under your command, and you failed to take any action as his supervisor. Lastly, sending the photo of yourself while in uniform with your breasts exposed is another obvious violation of the Department's General Orders.

Ms. Parker indicated during your pre-determination hearing that you 1) have taken responsibility for your actions; 2) that you should not receive discipline for providing information about Sergeant

VanSteenburgh's violation of the General Orders; and 3) the Department did not follow the process outlined in the Officer's Bill of Rights. As I mentioned earlier, your actions are so questionable that they cannot be ignored. Additionally, as it relates to the internal affairs process, it is clear from your recorded interviews that Majors Hirsch and England did not consider you to be a subject of the investigation until 1) you provided conflicting information about the number of times you had oral sex with Sergeant VanSteenburgh and 2) you provided the photo of Sergeant VanSteenburgh. The informal, off the record conversation that Majors Hirsch and England had with you after your initial interview – which Ms. Parker pointed to as a violation of your rights -- was addressed once you participated in a second, recorded interview on that same day. Additionally, once your actions were deemed to warrant inclusion in the internal affairs investigation, you were made aware of your Garrity Rights and interviewed again. In summary, I don't find that the process used by Majors Hirsch and England during the internal affairs investigation resulted in a violation of your rights.

Based upon your behavior, the evidence compiled as part of the investigation and your failure to take any responsibility for your actions, I am in support of Chief Kitzerow's recommendation. Therefore, I am terminating your employment with the Town of Jupiter effective immediately. You should seek counsel from your attorney immediately to preserve your rights.

The Town of Jupiter's Department of Human Resources will immediately contact you to coordinate the return any of the Town's equipment in your possession as well as handle issues associated with your separation from service with the Town.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew D. Lukasik". The signature is stylized and cursive.

Andrew D. Lukasik
Town Manager