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MICHAEL J. LAMPE
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VIA EMAIL

December 19, 2018

Mario U. Zamora
Griswold La Salle Cobb Dowd & Gin LLP
111 Seventh Street
Hanford, California 93230

Re: Tulare City Councilman Carlton Jones

Dear Mr. Zamora:

I am writing this letter to confirm our telephone conversation of this morning.

As we discussed, Tulare City Councilman Carlton Jones has distributed to members of the general public a confidential investigative report relating to the Tulare Police Department, prepared by former Sacramento County Sheriff John McGinness. Councilman Jones has also posted portions of this report on his Facebook page.

The State of California preserves the privacy rights of police officers, as well as other public employees, and limits access to their personnel records (California Constitution Article 1, §1; Civil Code §1798 *et seq.*).

Penal Code §832.7(a) provides that peace officer personnel files and records maintained pursuant to Penal Code §832.5 are "*confidential and are not to be disclosed*" except by discovery pursuant to Evidence Code §§1043 and 1046.

Councilman Jones has placed the City at great risk with this stunt. His violation of Penal Code §832.7(a), the Peace Officers Bill of Rights, and the City of Tulare's personnel rules, is indisputable and egregious. My office has already been contacted by several members of the Department, and our office anticipates filing multiple damage claims against the City at an appropriate time.

In the meantime, in your capacity as City Attorney, you have confirmed the following:

- 1. The City is aware of the fact that Councilman Jones has possession of a confidential personnel report that he should not have access to;**
- 2. The City has demanded that Jones immediately surrender or destroy all copies of the report, whether in electronic form or hard copy;**
- 3. The City has demanded that Jones immediately take down his Facebook post; and**
- 4. If Councilman Jones fails to abide by the City's demands, your office, acting on behalf of the City of Tulare, will immediately file suit against Mr. Jones, seeking injunctive relief from the Tulare County Superior Court, in an effort to protect the privacy rights of Department members.**

I cannot stress enough just how damaging the Councilman's actions are. The long term ramifications of this illegal act will be significant, both in terms of Department morale and taxpayer dollars.

As you know, I am scheduled to take the deposition of Mr. Jones tomorrow. Under the circumstances, I highly recommend that Mr. Jones secure independent counsel to represent him at this deposition. Under the circumstances that now exist, I do not see how your office can represent the interests of both Councilman Jones and the City of Tulare at the same time. Moreover, I anticipate that Mr. Jones will soon find himself as a co-defendant with the City in significant litigation that my office intends to file, thereby making any dual representation by your office even more problematic.

Please confirm as soon as possible that Councilman Jones has complied with the demands that the City Attorney has made upon him.

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If you have any questions regarding the contents of this correspondence, please do not hesitate to contact me.

Sincerely,

MICHAEL J. LAMPE
MJL/ml
cc: clients
all City Council members
press outlets