

EXHIBIT 1

Memo

To: Chief Wes Hensley, via COC
CC: Cpt. Fred Ynclan
From: Lt. Jerod Boatman
Date: 4/9/19
Re: Complaint against Councilman Carlton Jones

Sir,

This memo is regarding an incident involving Councilman Carlton Jones and his conduct during the most recent Tulare City Council meeting on Tuesday, 4/2/19.

During a five-minute recess that was called shortly after the meeting started, I approached the dais where you (Chief Hensley) were seated and greeted you. Janis Avila was seated to your left and to the left of her was Fire Chief Luis Nevarez. Seated across the aisle and to the left of Chief Nevarez, was Councilman Jones.

You and I were having a conversation regarding accurate accounting of the police department's overtime use, specifically the accounting of farm show and fair overtime use. During our conversation, Chief Nevarez added his thoughts on the matter and we both directed our attention towards him while he spoke. It was then that I noticed just beyond Chief Nevarez, Councilman Jones was gesturing to me.

When I looked at Councilman Jones, he was posturing with his chest out and his chin up while holding his hands up in the air at his side. Councilman Jones' brow was furrowed and he had an angered look on his face. I immediately recognized this to be confrontational body language, like that of someone challenging another person.

Upon recognizing that Councilman Jones was making this Gesture towards me, I looked to you to address him and you did so accordingly. I noted that when you asked him what was going on, he responded that he didn't want me staring at him. I believe he told you to tell me to stop staring at him. It is my belief he was further angered when he realized that I was not going to be baited into a confrontation with him, and other people had noticed what he was doing.

When I looked back at Councilman Jones, Chief Nevarez was telling him to, "Chill out." Chief Nevarez was concerned because there was a photographer from the Visalia Times Delta in the audience. It was at that time that Councilman Jones repeated the gesture, but this time motioning with his hands for me to come towards him. I could not hear what he said, as he spoke quietly, but I was within 10-15 feet of him, and could read his lips. I believe he said, "I'm right here." This coupled with him motioning for me to come towards him, his angry disposition, and his body language, led me to believe that he was challenging me to an adversarial confrontation or possibly a physical fight. In fact, your advice to me at that time was to ignore Councilman Jones, because he was just looking for a fight.

Being at the Tulare City Council Meetings is a part of my responsibilities as the Tulare Police Department nighttime watch commander. I was attending this meeting while on duty and in full uniform. Councilman Jones' actions were disturbing and unacceptable. He has created a work environment for me that is both threatening and hostile. Councilman Jones has made a habit of bullying members of the community while using his position as a Tulare City Council Member as his platform. He has done this through social media and during council meetings. This incident was yet another example of his bullying.

Councilman Jones has publicly expressed his disdain for the Tulare Police Department on numerous occasions. He has also actively participated in an attempt to have myself and other members of this department terminated in the past. When asked by local news media outlets about his involvement, he stated he was, "Cleaning up the police department." It is no secret that Councilman Jones does not like me. I feel this historical information is relevant to the above-mentioned incident, as it helps explain Councilman Jones' frame of mind when acting in such a manner. As a police officer I am expected by the public to conduct myself with a high level of self-restraint and composure. To what standard are the members of the Tulare City Council held?

Respectfully,

Lt. Jerod Boatman

EXHIBIT 2

Memo

To: Chief Wes Hensley
CC: Cpt. Fred Ynclan
From: Lt. Jerod Boatman
Date: 5/14/2019
Re: Carlton Jones

Sir,

This memorandum is to inform you of a confrontational contact with Carlton Jones that occurred tonight, as well as to memorialize the incident.

After tonight's Tulare City Council Meeting I was on duty, and standing in the parking lot of the Tulare City Library awaiting the conclusion of the closed session meeting that was in progress. It should be noted that this is one of the responsibilities of the on-duty patrol watch commander.

At approximately 2135hrs I heard the doors of the Library open and turned around expecting to see the council members walking to their vehicles. Instead I saw that Carlton Jones was walking out of the library by himself. Because of a previous contact that occurred on April 9th, 2019, which you are aware of and recent formal complaints made by me against Jones, I was not going to engage him.

Jones continued to walk towards the center of the parking lot, where I was standing by my parked patrol car. I later realized he was walking this direction to get to his vehicle, which was parked at the east end of the parking lot.

As he passed me Jones said, "What's up", while raising his chin in the air. I did not respond to him for the reasons noted above. This obviously made him angry, as he said it again in a much louder and confrontational tone. This time saying, "I said what's up!" By this time he was within 20-25 feet of me.

Jones then removed his medical sling from his right arm, while saying, "If you're that mad then let's get together and handle it like men." This coupled with the last documented incident involving Jones, made it clear to me that he was challenging me to a fight.

My response to Jones was, "I have lodged a formal complaint against you and I think it's in your best interest not to speak to me." Before I could even finish saying this, he repeated the challenge to handle it like men, word for word. I told Jones, "Thank you for saying that again because you're on camera and being recorded." He said, "Good!" as he threw his sling in his vehicle and got in the driver seat. (I was not recording Jones, but wanted him to believe I was)

Just as he drove out of the parking lot, the remaining Tulare City Council Members along with Janice Avila exited the library. Mrs. Avila walked directly to me and asked me if he [Jones] said anything to me. I told her what just happened and she asked me to document the incident. I expressed that I believe

Jones will continue this behavior until he and I fight. Mrs. Avila reminded me to take the high road during these incidents and not give Jones the satisfaction.

As soon as I left the parking lot I called you [Chief Hensley] and notified you of the incident. Your direction was also to document and memorialize this incident so it can be evaluated along with the previous incident noted above. I was also ordered to not respond to or engage in conversation with Carlton Jones until this matter has been resolved.

I am requesting that this matter along with the previously documented matter from April 9th, 2019, involving Carlton Jones be investigated by the City of Tulare. I am requesting that Carlton Jones be held accountable for his actions. I believe his conduct has clearly created a work environment for me that is both threatening and hostile in nature. As an employee of the City of Tulare I should not be subjected to such harassment from a council member, while in the performance of my duties.

Respectfully,

Lt. Jerod Boatman

EXHIBIT 3

Dan Rowley

From: Rob Hunt <rhunt@tulare.ca.gov>
Sent: Wednesday, May 29, 2019 11:00 AM
To: Dan Rowley
Subject: FW: Officer Jarrod Boatman's false report issue and the Brady implication

Hi Dan;

This is the email that I referred to from Councilman Jones.

Rob

Rob A. Hunt

City Manager (Interim)
411 E. Kern Avenue, Tulare CA 93274
Ph. 559.684.4200
Email: rhunt@tulare.ca.gov
Web: www.tulare.ca.gov



From: Carlton Jones
Sent: Monday, May 20, 2019 10:41 AM
To: Tony Espinosa <tespinosa@tulare.ca.gov>; Roxanne Yoder <ryoder@tulare.ca.gov>
Cc: Mario U. Zamora <zamora@griswoldlasalle.com>; Matt Machado <mmachado@tulare.ca.gov>; Rob Hunt <rhunt@tulare.ca.gov>; Janice Avila <javila@tulare.ca.gov>
Subject: Officer Jarrod Boatman's false report issue and the Brady implication

Again, thank you for speaking with me on the 5/14 and 5/15 regarding the complaint filed by TPD Officer Jarrod Boatman. As you stated during our initial conversation on 5/14, Officer Boatman stated in his complaint that after our 5/07 council meeting, I removed my arm sling turned toward him and took an aggressive stance and made verbal comments as to engage in a fight. It was also stated that in Boatman's complaint he told me that he was recording me. As I expressed to you on 5/14, that was not true at all. What actually happened as I stated. I was walking to my car after our 5/07 council meeting. I saw Boatman. He was looking at me as I walked by him and toward my car. I said "what's up" as I walked. He didn't say anything but kept staring and turned as I passed him so I said "what's up" again and again he stared and said nothing. I never stopped walking. I then stated as I was walking "If you're that mad, we all need to get together and take care if it and work it out. Boatman then said that he was glad I said that and that he was recording me. I said "that's fine". Boatman then stated that he had numerous complaints against me. I turned but walked backwards toward my car and again I said "that's fine". I got to my car and and called Rob Hunt. He didn't answer but I spoke with him the next morning and told him what happened. In my conversation with Rob, I told him how I

had to talk to the previous CM about Boatman's conduct at council meetings. The previous CM and the Previous Police Chief made sure Boatman was not at our council meeting. To be clear, I never stopped walking. I never took a stance toward Boatman and I did not remove my shoulder sling. That night I also had a tens unit attached to my arm and my sling. I was less than 2 weeks out of a pretty extensive shoulder surgery and I still had stitches from my surgery.

I appreciate you giving me the opportunity to provide you with a statement of what actually occurred on 5/14/19. Thankfully with your diligence, you were able to come across the library surveillance video that showed Officer Boatman's statements were false. And per our conversation on 5/15, although there was no audio, the video clearly showed that I didn't stop and get in a fighting stance, and I surely did not take off the sling to my surgically repaired shoulder. You stated that you could not really see Boatman but it was clear the video showed that Boatman was not truthful. This was no mistake by Officer Boatman. The parking lot of the Tulare Public Library is adequately lit. I could clearly see officer Boatman. The fact that his eyes followed me as I walked to my car and he knew who I was while making his report would indicate that he could clearly see me. Again, I am immensely grateful for your diligence and hard work on this case. Uncovering that video clearly exonerates me of Officer Boatman's false claims; however, I want to express the real concerns that I have regarding this officer going forward. According to the McGinness report, Officer Boatman has had issues of physically and verbally assaulting his fellow officers. He fired his personal weapon inside of the police station and he's made vulgar comments about his opinion of a fellow officers sexual orientation.

These concerns not only extend to myself but also to the concerns that I hold as a sworn public officer. As a city council member, I have a fiduciary duty and duty of loyalty owed to the public and city. I have concerns for every citizen of Tulare that has ever had a past case involving this officer, every citizen that may have a future case involving this officer and every claim and report this officer has ever filed or made a statement on. Furthermore, I do not believe this conduct by Officer Boatman falls under the disclosure exceptions of *Pitchess v. Superior Court*(1974) 11 Cal.3d 531, Cal Pen Code §§ 832.7(a) and 832.8. Investigator Espinosa, I believe that you and I are now bound to investigate whether this officers conduct falls under Cal Penal Code § 832.7 (b)(1)(C), which would make this officers complaint and the findings of your investigation available for public inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code). Section 832.7(b)(1)(C) states:

Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of **dishonesty by a peace officer** or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence.

If I am wrong and Officer Boatman's dishonesty does not fall under this section. I believe that I am right, and Tulare PD must investigate, the complaint I will be filing pursuant to Cal Penal Code § 832.5 regarding Officer Boatman's conduct.

Lastly, my concern regarding what you called Brady information that is in your possession. I believe a dishonest report or complaint drafted by Officer Boatman falls under Brady. I have real concerns whether this information should be disclosed to the District Attorney and moreover the Public Defenders Office. From what I have read of Brady is that this information is considered impeachment information and the District Attorney is imputed with this knowledge even if you or I fail to disclose it. I also read somewhere that this is considered a felony offense for the prosecutor who fails to disclose Brady information. Again, my concern does not extend only to myself, my well being and my family but to my constituents and Tulare. My hope is that a formal investigation into Officer Boatman's intentional misrepresentation can be conducted and findings made. This should be independent and congruent to any eternal view of this matter. What also concerns me is that, you mentioned this information about the video and Officer Boatman's falsehood in his complaint was shared with Captain Matt Machado. Rob Hunt said that in his conversation with Capt. Machado, Machado

told him that Boatman is the victim and I am the defendant. I would hope that our police management would consider an officer giving a false statement or making a false claim very serious.

California Code, Penal Code - PEN § 118.1

Every peace officer who files any report with the agency which employs him or her regarding the commission of any crime or any investigation of any crime, if he or she knowingly and intentionally makes any statement regarding any material matter in the report which the officer knows to be false, whether or not the statement is certified or otherwise expressly reported as true, is guilty of filing a false report punishable by imprisonment in the county jail for up to one year, or in the state prison for one, two, or three years. This section shall not apply to the contents of any statement which the peace officer attributes in the report to any other person.

I would hope that discipline is progressive per our MOU and Rules and Regulations. We are lucky to have the positions we have as public servants. Officer Boatman's conduct does not help repair the current climate of distrust the public has toward public officials. Darkness has the ability to cover up; light has the ability to uncover! Darkness is the enemy of truth; light is the friend of truth. And here I think a light will go a long way to removing the dark cloud over our city. The video taken from our library surveillance will do its part if we do our part.

<https://www.visaliatimesdelta.com/story/news/2019/05/17/tulare-sergeant-under-investigation-da-reviewing-criminal-allegations/3698951002/>

<https://www.visaliatimesdelta.com/story/news/2018/11/16/two-visalia-officers-charged-43-felony-counts-face-prison/2021676002/>

Sincerely,

Carlton Jones

Roxanne Yorder

This email also serves as my official public records request under the California Public Records Act G.S.C Section 6250-6270. I am requesting:

1. Tulare City Police report 19-2921
2. The audio recording of Jarrod Boatman's statement as it pertains to report 19-2921
3. The video surveillance of the Tulare Public Library Parking lot on 5/05/2019 from 2130 hours to 2150 hours

A prompt response would be greatly appreciated
Thank You

EXHIBIT 4

Dan Rowley

From: Carlton Jones <cjones@tulare.ca.gov>
Sent: Tuesday, July 9, 2019 8:53 AM
To: Dan Rowley
Cc: Cat Dellavalle
Subject: Re: Scheduling interview; 10755-7

I think you should see the grievances from other officers that were filed against Boatman. These grievances were brought to my attention by officers and union leadership when I was the mayor. I did what I was suppose to do by passing this information to the respected CM at that time. I think you should also review the McGinnes report to help you get a background on were Boatman's feelings toward me are coming from. Janice should have them. Let me know if you have an issue getting them?

Sent from my iPhone

On Jul 9, 2019, at 7:04 AM, Dan Rowley <drowley@fikeboranianlaw.com> wrote:

I do not have a copy of the McGuinness report to review.

Dan

Daniel W. Rowley
Of Counsel
Fike & Boranian
401 Clovis Ave., Suite 202
Clovis, CA 93612
Office: (559) 229-2200
Cell: (559) 288-4315
Fax: (559) 225-5504
Email: drowley@fikeboranianlaw.com

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From: Carlton Jones <cjones@tulare.ca.gov>
Sent: Monday, July 8, 2019 11:44 AM
To: Dan Rowley <drowley@fikeboranianlaw.com>
Subject: Re: Scheduling interview; 10755-7

Hey Dan did you get to review the McGennis report?

Sent from my iPhone

are not the intended recipient. If you have received this email in error, please immediately notify me by reply email or forwarding this message to drowley@fikeboranianlaw.com or calling me at the number above, and then destroying the email and any attachments without reading them. Thank you.

On Jun 28, 2019, at 7:54 AM, Carlton Jones <cjones@tulare.ca.gov> wrote:

Can you come to Tulare on Monday

Sent from my iPhone

On Jun 27, 2019, at 2:34 PM, Dan Rowley <drowley@fikeboranianlaw.com> wrote:

I moved my office today and will be in the Bakersfield area tomorrow. What time do you get off work? Perhaps we can do it after your work day ends. I am available Monday and Wednesday in the early evening next week.

Dan

Daniel W. Rowley
Fike & Boranian
401 Clovis Ave.,
Suite 202
Clovis, CA 93612
Phone: (559) 229-
2200
Cell: (559) 288-4315
Fax: (559) 225-5504
Email:
drowley@fikeboranianlaw.com

NOTICE OF
CONFIDENTIALITY
: E-mail and any

On Jun 29, 2019, at 9:54 PM, Dan Rowley <drowley@fikeboranianlaw.com> wrote:

See you then!
Dan

Sent from Dan's iPhone

Daniel W. Rowley
Fike & Boranian
401 Clovis Avenue, Suite 208
Clovis, CA 93612
(559) 229-2200
(559) 225-5504
Email: drowley@fikeboranianlaw.com

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On Jun 29, 2019, at 10:04 AM, Carlton Jones <cjones@tulare.ca.gov> wrote:

I'll be there

Sent from my iPhone

On Jun 29, 2019, at 9:16 AM, Dan Rowley
<drowley@fikeboranianlaw.com> wrote:

Mr. Jones,
I have a room at City Hall Monday at 9:00 am. Please let me know if you will be able to be there.
Thanks.
Dan

Sent from Dan's iPhone

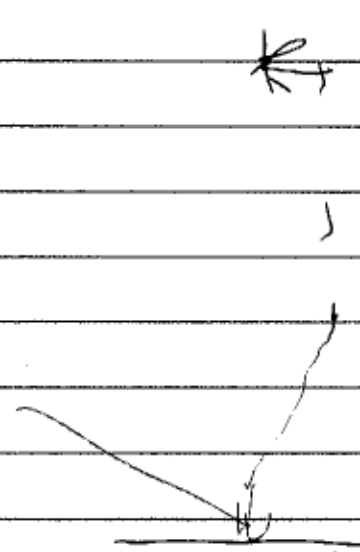
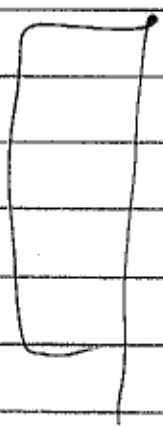
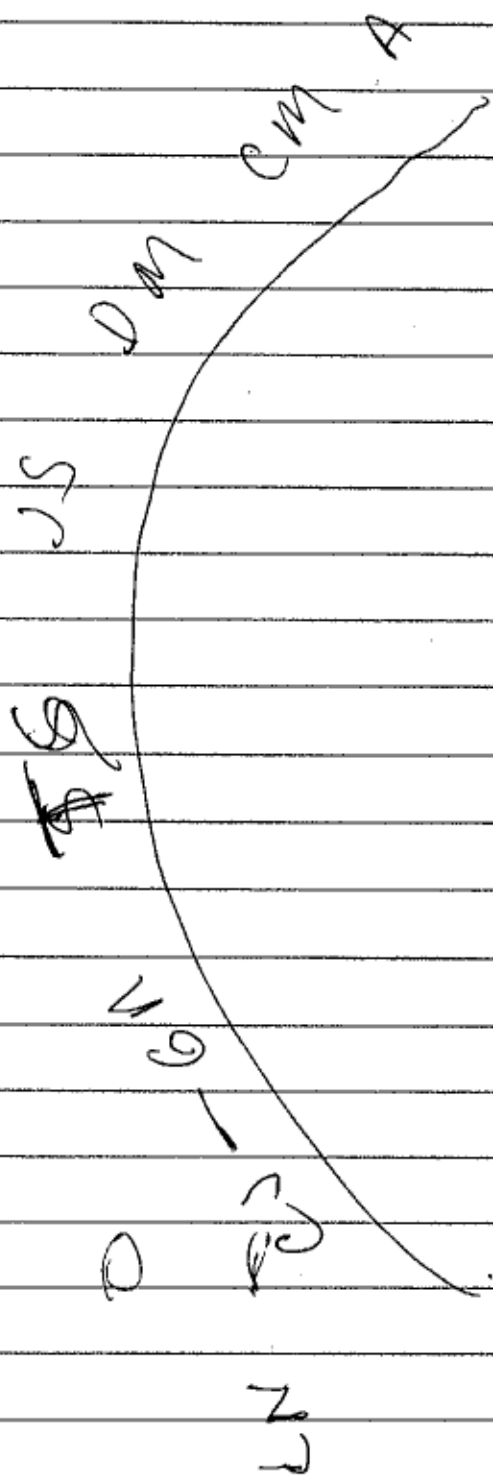
Daniel W. Rowley
Fike & Boranian
401 Clovis Avenue, Suite 208
Clovis, CA 93612
(559) 229-2200
(559) 225-5504
Email: drowley@fikeboranianlaw.com

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EXHIBIT 5



EXHIBIT 6

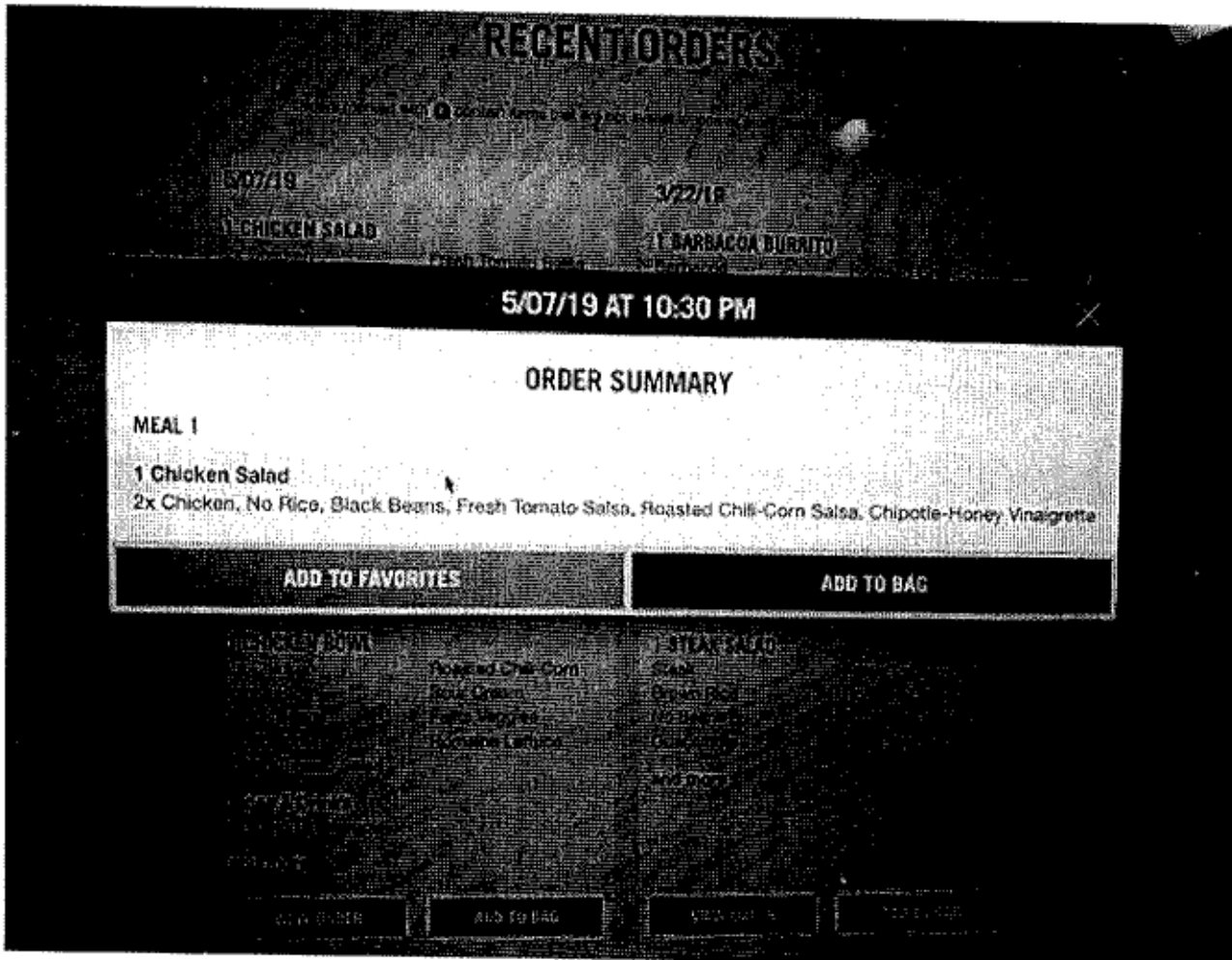


FC PC HR

EXHIBIT 7

Dan Rowley

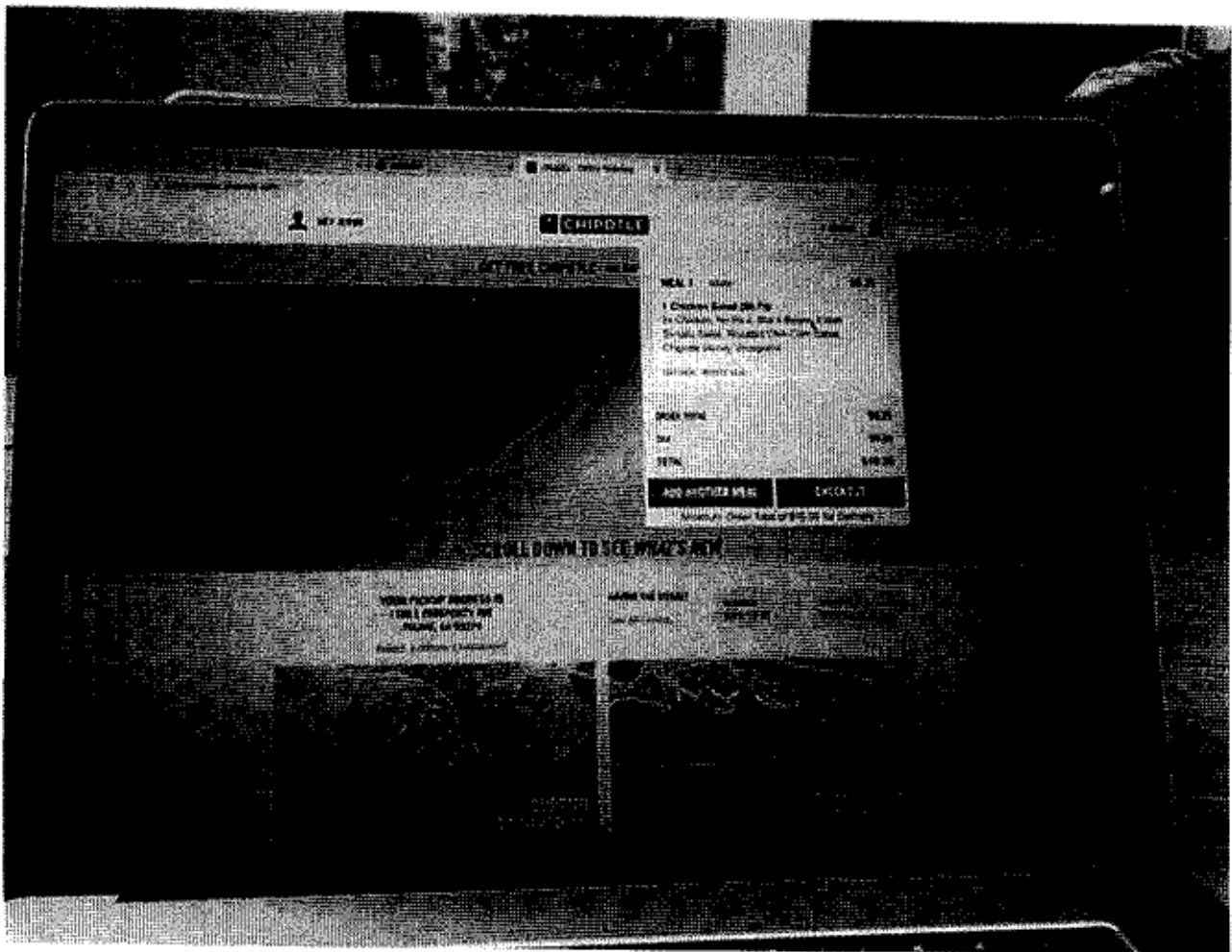
From: Daniel Rowley <danrowley06@gmail.com>
Sent: Thursday, August 1, 2019 10:28 AM
To: Dan Rowley
Subject: Food



Sent from Dan's iPhone

Daniel W. Rowley
Fike & Boranian
401 Clovis Avenue, Suite 202
Clovis, CA 93612
(559) 229-2200
(559) 225-5504
Email: drowley@fikeboranianlaw.com

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Orders marked with  contain items that are not available, one or more items

5/07/19

1 CHICKEN SALAD

- 2x Chicken
- No Rice
- Black Beans

- Fresh Tomato Salsa
- Roasted Chili-Corn ...
- Chipotle-Honey Vin...

3/22/19

1 BARBACOA BURRITO

- Barbacoa
- White Rice
- Pinto Beans
- Guacamole
- Fresh Tomato Salsa

- Roasted
- Tomato
- Salsa
- Chili
- Roasted

Sides & Drinks

Large Chips & Large

and more

VIEW ORDER

ADD TO BAG

VIEW ORDER

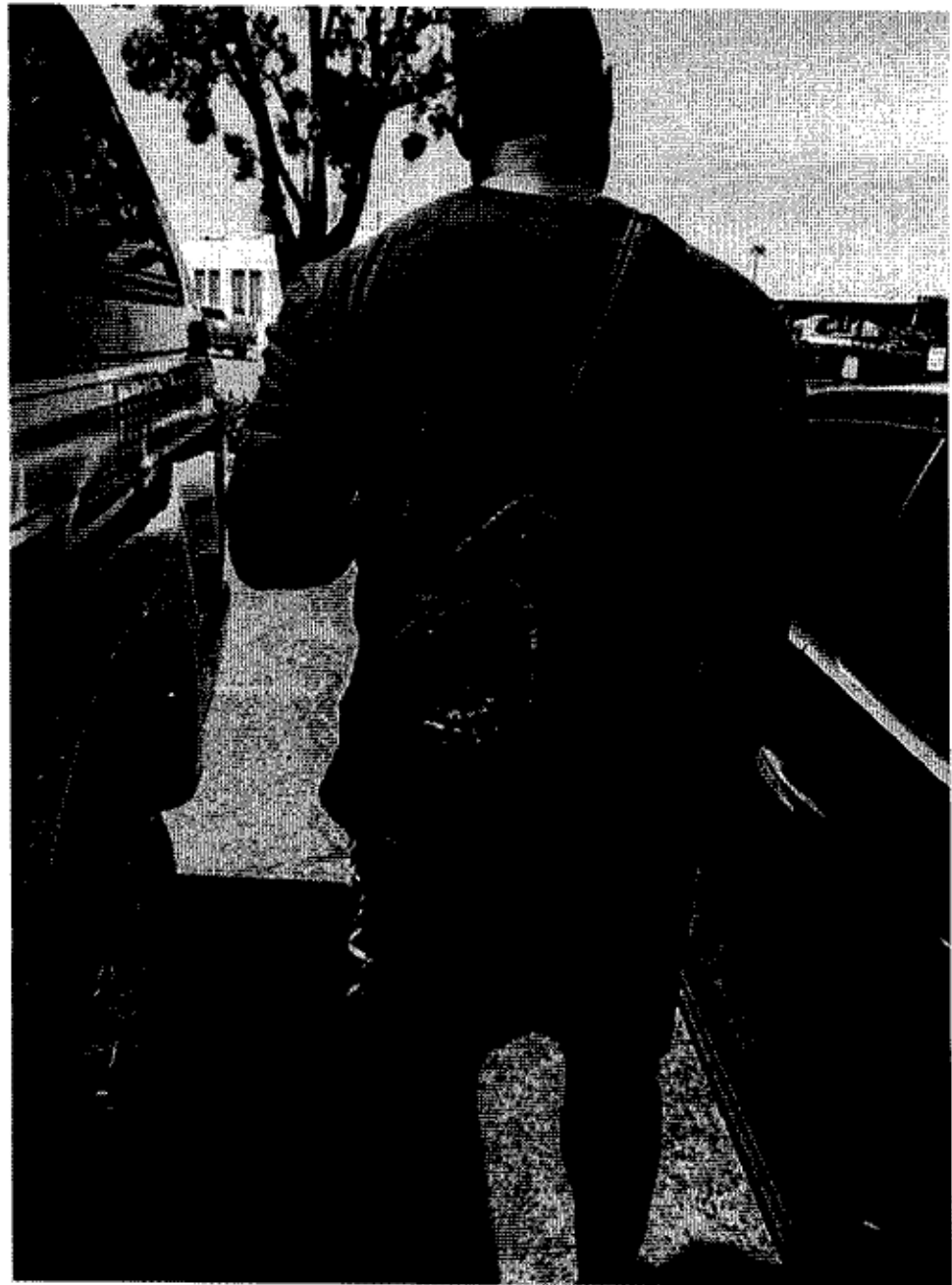
4/07/19

1 STEAK SALAD

- Steak

- Roasted Chili-Corn

EXHIBIT 8



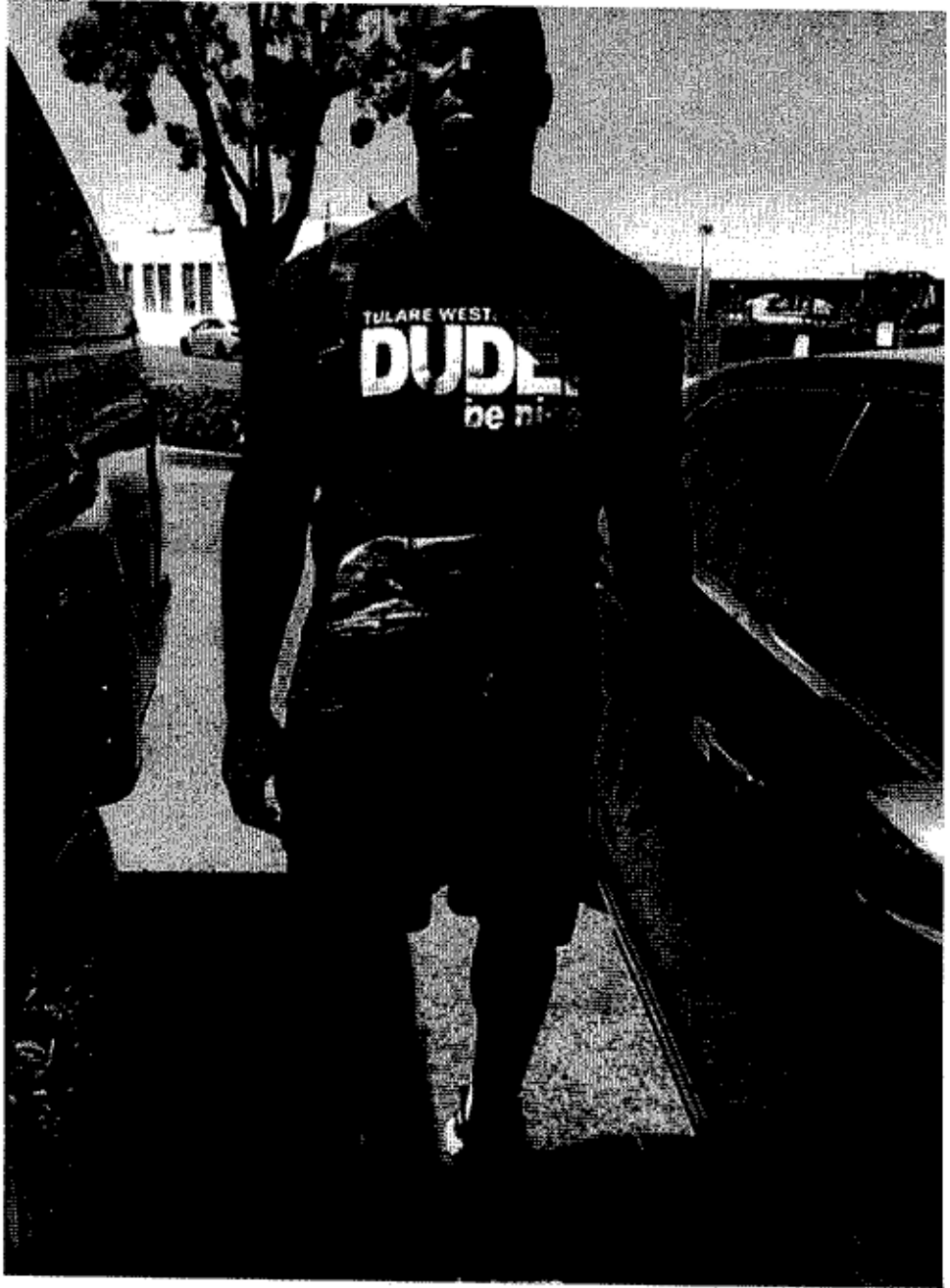




EXHIBIT 9

Google Maps



Imagery ©2019 Google, Map data ©2019 20 ft

→ = TONES' path

T = TONES' WALKING BACKWARD

A = Boatman's Vehicle

B = TONES' Vehicle