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ORDER TO RELEASE CONFIDENTIAL PERSONNEL REPORT

On April 9, 2020, Judge Bret Hillman ordered the City of Tulare to release a confidential report issued by attorney Daniel Rowley, who on behalf of the City, investigated a claim of hostile work environment created by City Councilman Carlton Jones towards Lieutenant Jerod Boatman, an officer in the City's Police Department. The order was in response to a Public Records Request and subsequent lawsuit filed against the City by another City Councilman, Gregory Nunley. Councilman Nunley sought, for public disclosure, a copy of the confidential investigatory report and personnel record. The City, to protect the privacy interests of its employees, had refused to produce the report on the basis that it was a confidential report and personnel record, among other reasons.

The Court in its ruling found that Mr. Rowley's report was a personnel record, was considered confidential at the time it was prepared and contained "sensitive information about the police officer's claims" in which he would have a substantial privacy interest in the contents of the report from being made public. However, because the investigation of the hostile environment claims against Councilman Jones were at least partially sustained, "there is a substantial public interest in knowing what actions of its elected official with a city employee might result in liability to the city." As such, the Court found that this factor weighed heavily in favor of disclosure and offsets the privacy interests of the City's employee. The court ruled that the public has "an interest in knowing whether the city council as an employer is violating the rights of its employees" under the applicable law.

While the City opposed disclosure of the report given the fact it was a confidential personnel record with sensitive information about the officer's claims, it respects the Court's ruling and now has the direction it needs with respect to this particular personnel report. The City will be releasing the report to Mr. Nunley and his attorney.