



May 16, 2024

Attorney General Rob Bonta
1300 I Street
Sacramento, CA 95814-2919

Re: Prosecution of Diana Teran, Assistant District Attorney in Los Angeles, and Appropriate Police Oversight

Dear Attorney General Bonta,

We are a group of former prosecutors, legal scholars, policing experts, and relatives of people who have been victims of police violence. We are writing to express our concern at the recent charges your office filed against Los Angeles Assistant District Attorney Diana Teran, and the chilling effect we believe this will have on policies and programs intended to ensure transparency, promote public trust and confidence in law enforcement agencies, and enable agency compliance with constitutional obligations. Ms. Teran is a long-time prosecutor with experience in police oversight, and she was hired by the Los Angeles District Attorney's Office (LADA) to oversee the LADA's maintenance of an internal, non-public database of cases involving findings of police misconduct. The press release from your office, read in conjunction with the complaint available on your website, suggests that Ms. Teran is being prosecuted for uploading data reflecting official findings of officer misconduct that you believe was taken from an LASD database into an LADA Brady database. The LADA Brady database is not public, and whether the facts you allege are true or not, we believe you should exercise your prosecutorial discretion to dismiss the charges in the public interest.

Ms. Teran spent over a decade as a prosecutor in the Los Angeles District Attorney's Office beginning in the 1980s, and well over a decade in police oversight roles with the Los Angeles County Office of Independent Review, the Los Angeles Sheriff's Department, the Inspector General's Office, and the Los Angeles County Public Defender's Office, before returning to the District Attorney's Office where she served as Assistant District Attorney of Ethics and Integrity Operations. After a 30-year career in prosecution and law enforcement oversight, Ms. Teran is now accused by your office of improperly "using" LASD data to maintain an LADA internal database. The prosecution sends exactly the wrong message to the public and is against the public interest you were elected to serve.

All law enforcement entities should have access to records memorializing official findings of officer misconduct and crime. Such data is supposed to be public under Senate Bill 1421, but

we will not speak to the merits of the charges, other than to share our concern that they are defective on their face because the data allegedly “used” appears to be public data and, separately, because Ms. Teran was acting in her official capacity when doing the things you allege she did. Instead, we speak only to the wisdom of your decision to exercise your prosecutorial judgment to file the selected charges because we believe the charges filed are contrary to the public interest you were elected to serve.

We believe the charges you filed will erode public trust and confidence in law enforcement efforts and will reduce transparency. Efforts by the LADA to maintain a Brady database are intended to promote public trust, increase transparency, and ensure there are processes in place to comply with constitutional obligations. Ms. Teran did not publicly disclose any data or records, even though under SB 1421 they were already public if they memorialized findings of police use of force, sexual assault or acts of dishonesty. Instead, she added data to a private law enforcement database, which your office should applaud, not prosecute. Prosecuting Ms. Teran for “using” relevant data in her official capacity in the manner alleged sends the wrong public message: that protecting law enforcement officers who have committed acts found to be disclosable misconduct is more important than complying with constitutional obligations in the pursuit of justice.

We strongly urge you to reconsider pursuit of this case, whether or not you believe you can sustain the allegations at trial. We believe it is in the public interest to dismiss the charges to emphasize your belief that law enforcement agencies should share data necessary to comply with Brady, especially when both agencies operate in the same County and have overlapping cases. Sharing such data is critical to constitutional policing and preserving public trust and confidence in our system of justice. We hope you will consider these points and dismiss the case you filed against Ms. Teran.

Sincerely,

Manuel Abascal

Former Assistant United States Attorney

Mark Beck

Former Assistant United States Attorney and Deputy Chief of the Criminal Division, Central District of California

Peter Bibring

Police Oversight Professional

Former Director of Police Practices, ACLU of California

Chesa Boudin

Executive Director, Criminal Law & Justice Center, University of California Berkeley School of Law

San Francisco District Attorney (2020-2022)

Alex Busansky

Former Assistant United States Attorney
Former Manhattan Assistant District Attorney

Valerie Castile

Concerned Citizen, Mother of Philando Castile

Erwin Chemerinsky

Dean, University of California Berkeley School of Law

Michael Collins

Senior Director, State and Local Government Affairs, Color of Change
Former Policy Director, Office of the State's Attorney for Baltimore City

Cristine Soto Deberry

Former San Francisco Assistant District Attorney and Chief of Staff
Executive Director, Prosecutors Alliance

Tahir Duckett

Executive Director, Georgetown Law Center for Innovations in Community Safety

Gil Garcetti

Los Angeles District Attorney (1992-2000)

Michael Gennaco

Principal, OIR Group
Former Chief Attorney, Office of Independent Review
Former Assistant United States Attorney

Christian A. Gossett

Winnebago County District Attorney (2006-2022)

Jan Lawrence Handzlik

Former Assistant United States Attorney

Eliot Kase

Former Law Enforcement Executive

Walter Katz

Former Independent Police Auditor, City of San Jose

Miriam Krinsky

Former Assistant United States Attorney

Former Special Advisor to the Los Angeles County Sheriff

Andrew Lah

Visiting Professor at University of San Francisco School of Law
Former San Francisco Assistant District Attorney

Stephen G. Larson

Former Assistant United States Attorney
Former U.S. District Judge

Robert S. Miller

Former Los Angeles Deputy District Attorney
Former Assistant Chief Attorney, LA Office of Independent Review

Paula Mitchell

Director of the Los Angeles Innocence Project

Michelle Monterrosa

Co-Founder of the Sean Monterrosa Project, Sister of Sean Monterrosa

Sergio Perez

Former Deputy Attorney General, California Department of Justice
Former Special Assistant and Constitutional Policing Advisor to the Inspector General, County of Los Angeles

Hector C. Perez

Former Assistant United States Attorney

Ira Reiner

Los Angeles District Attorney (1984-1992)
Los Angeles City Attorney (1981-1983)

David Rudovsky

Senior Fellow, Penn Carey School of Law

Julie Ruhlin

Principal/Owner, OIR Group
Former Deputy Chief Attorney, Los Angeles County Office of Independent Review

Angelica Samaniego

Former Attorney at The Office of Independent Review

Barry Scheck

Professor of Law, Cardozo Law School

Anthony Scott

Activist, Brother of Walter Scott

Abbe Smith

Scott K. Ginsberg Professor of Law, Georgetown University Law Center

Bitu Shasty

Police Oversight Expert

Former Attorney at LA County Office of Independent Review

Maurice Suh

Former Assistant United States Attorney, Deputy Chief, Public Corruption and Government Fraud Section

Former Deputy Mayor for the City of Los Angeles, Homeland Security and Public Safety

James P. Walsh

Former Assistant United States Attorney

David W. Wiechert

Former Assistant United States Attorney

Ellen Yaroshefsky

Howard Lichtenstein Distinguished Professor of Legal Ethics, Hofstra Law School