

**IN THE COURT OF APPEAL OF THE
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT, DIVISION TWO**

DIANA MARIA TERAN,
Petitioner,

v.

THE SUPERIOR COURT OF LOS
ANGELES COUNTY.

Respondent,

PEOPLE OF THE STATE
OF CALIFORNIA,

*Real Party in
Interest.*

B341644

Court of Appeal No.

Superior Court No.

24CJCF02649

**APPLICATION OF THE CIVILIAN OVERSIGHT
COMMISSION FOR LOS ANGELES COUNTY
SHERIFF'S DEPARTMENT TO FILE AMICUS
CURIAE BRIEF AND PROPOSED AMICUS
BRIEF IN SUPPORT OF PETITION FOR
WRIT OF PROHIBITION**

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CERTIFICATE OF INTERESTED PARTIES

The Civilian Oversight Commission for the Los Angeles County Sheriff's Department is not a party to the underlying action. Pursuant to Sections 8.208(e) and 8.488 of the California Rules of Court ("Rule"), the Civilian Oversight Commission certifies that it knows of no other person or entity that has a financial or other interest in this case.

Dated: Feb. 17, 2025

Sean Kennedy

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**APPLICATION FOR LEAVE TO FILE AMICUS CURIAE
BRIEF IN SUPPORT OF WRIT OF PROHIBITION**

**THE PROPOSED AMICUS CURIAE BRIEF WOULD
ASSIST THE COURT IN DECIDING THIS MATTER**

Pursuant to Rule 8.200(c) of the California Rules of Court, the Civilian Oversight Commission for Los Angeles County Sheriff's Department ("COC") respectfully applies for permission to file an Amicus Curiae brief in support of Diana Teran's petition for a writ of prohibition. Further, pursuant to Rule 8.200(c)(3), no party or counsel for any party authored the proposed Amicus Curiae brief, nor did any outside entity fund its preparation. This application is timely under Rule 8.200(c)(1).

Amicus contends that the proposed Amicus Curiae brief will assist the Court in deciding the matter by clarifying the legal authority of Teran as well as other prosecutors to use public records to fulfill their constitutional duty to disclose exculpatory evidence including law enforcement misconduct. Further, this brief will address how this prosecution chills voter-mandated civilian oversight of the Los Angeles County Sheriff's Department, as well as other police accountability efforts.

Since Teran's indictment, members of the LASD and oversight bodies for the county have referenced the threat of criminal prosecution when refusing to share confidential information the COC needs access to perform its oversight function. As a result, the COC cannot access information the Commission needs to adequately respond to the ongoing crisis surrounding the proliferation of deputy gangs within the

department, use of force incidents, issues within the LASD's complaint process, or any other issue reported to the COC by the community. This prosecution threatens to further limit the COC's access to confidential information, as partner agencies such as the Office of the Inspector General articulate reticence to share information with the Commission under the looming threat of prosecution.

INTEREST OF AMICUS CURIAE

The COC was created in 2016 by the Board of Supervisors "to improve public transparency and accountability to the Los Angeles Sheriff's Department by providing robust opportunities for community engagement, ongoing analysis and oversight of the Department's policies, practices, and procedures, and advice to the Board of Supervisors, the Department, and the public." Los Angeles County Code Title 3, Chapter 3.79, § 3.79.020. In 2020, the voters passed Measure R to grant the COC more independent authority to investigate and subpoena witnesses and documents to ensure that the commissioners had all the necessary information to effectuate meaningful oversight of the LASD.¹

The COC rarely files amicus briefs and has never previously done so in a criminal prosecution. However, the commissioners unanimously approved of filing this amicus brief over the objection of the County Counsel because the COC is deeply committed to ensuring that the LASD is warning

¹ Approximately seventy-three percent of all Los Angeles County voters supported Measure R.

prosecutors about deputy sheriffs who have a history of dishonesty, excessive use of force, and other misconduct that reflects on their credibility. The COC also has a strong interest in opposing legal impediments to the LASD sharing confidential documents with COC ad hoc committees that can shed light on ongoing concerns within the LASD and help achieve meaningful civilian oversight of law enforcement in Los Angeles County.

The proposed brief is enclosed.

Respectfully submitted,

Dated: Feb. 17, 2025

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**AMICUS CURIAE BRIEF IN SUPPORT OF
PETITION FOR WRIT OF PROHIBITION**

INTRODUCTION

Diana Teran is being prosecuted for her good-faith efforts to ensure the Los Angeles District Attorney’s Office was fully apprised of needed information that would enable them to comply with the prosecution’s constitutional duty to disclose material exculpatory evidence, as required by *Brady v. Maryland*, 373 U.S. 83 (1963). In the context of *Brady* disclosure, “exculpatory evidence” includes information that could be used to impeach the credibility of prosecution witnesses, including law enforcement witnesses. *Giglio v. United States*, 405 U.S. 150, 154-155 (1972). Because it may be difficult to know before trial what evidence will ultimately prove material, “the prudent prosecutor will resolve doubtful [*Brady*] questions in favor of disclosure.” *United States v. Agurs*, 427 U.S. 97, 108 (1976). Exculpatory evidence that was suppressed by the police and is therefore unknown to the trial prosecutor is still attributable to the prosecution. *Kyles v. Whitley*, 514 U.S. 419, 437 (1995) (prosecutor has a duty to “learn of any favorable evidence known to others acting on the government’s behalf in the case, including the police”).

Section 1054.1 of the Penal Code states, “The prosecuting attorney shall disclose to the defendant ... exculpatory evidence.” Cal. Pen. Code § 1054.1(e). Section 1054.1(e) expands the *Brady* rule in California, requiring a prosecutor to disclose to the defense any exculpatory evidence, not just material exculpatory

evidence.

In applying *Brady* to confidential police personnel files, the California Supreme Court has stated, “There can be no serious doubt confidential personnel files may contain *Brady* material. An officer may provide important testimony in a criminal prosecution. Confidential personnel files may cast doubt on that officer’s veracity. Such records constitute material impeachment evidence. ...These are not close questions.” *Assoc. for Los Angeles Deputy Sheriffs v. Superior Court (ALADS)*, 8 Cal.5th 28, 51 (2019).

Despite *Brady* and its progeny, the LASD has a history of suppressing evidence of deputy sheriffs’ dishonesty, excessive use of force, and other misconduct that reflects on their credibility.² Because *Brady* violations are one of the leading causes of wrongful convictions,³ the COC has long advocated that the

² See, e.g., Corin Knoll, Ben Poston, and Maya Lau, *Must Reads: An L.A. County Deputy Faked Evidence. Here’s How His Misconduct Was Kept Secret in Court for Years*, L.A. Times (Aug. 9, 2018) (documenting myriad instances in which LASD failed to notify prosecutors that a deputy sheriff had sustained findings of dishonesty and misconduct).

³ The National Registry of Exonerations at the University of Michigan tracks all exonerations in the U.S., as well as causes of those exonerations. According to the Registry’s current database, 150 of 289 exonerations in California—approximately 52% of all known exonerations in the state—involved *Brady* violations. See NRE Database, available at <https://www.law.umich.edu/special/exoneration/Pages/about.aspx>. See also, Brandon L. Garrett, *Judging Innocence*, 108 Colum. L. Rev. 58, 119 (2008) (examining 200 DNA exonerations and

LASD adopt policies and procedures that promote *Brady* compliance.

For example, the COC in September 2017 filed an amicus letter urging the California Supreme Court to grant review of an intermediate appellate court holding that the *Pitchess* statutes prohibit a Sheriff from compiling a *Brady* list and giving *Brady* alerts to the District Attorney to ensure that prosecutors were being warned about deputy sheriffs with credibility problems. *Letter of Amicus Curiae Supporting Petition for Review in Association for Los Angeles Deputy Sheriffs v. Superior Court, B28067, Reported at 13 Cal.App.5th 413* (September 28, 2017), available at

https://file.lacounty.gov/SDSInter/bos/supdocs/1028751_Item3B-AttachmentAmicusLetter-DeputyMisconductList.pdf.

After the California Supreme Court reversed the lower court, the COC passed a unanimous resolution “strongly recommend[ing] that the LASD develop a custom, policy, and practice of actively maintaining a Brady list which should be shared, to the full extent permitted by law, with the Los Angeles District Attorney’s Office.” *Los Angeles County Sheriff Civilian Oversight Commission Resolution re Brady List*, available at <https://file.lacounty.gov/SDSInter/bos/supdocs/BradyResolution-10-18-2019.pdf>. The LASD never followed the recommendation.

COC special hearings revealed substantial evidence of some

finding that the prosecution withheld exculpatory evidence in 37% of the cases).

deputy sheriffs joining troubling deputy gangs, which encourage members to engage in dishonest behavior and excessive uses of force, as well as to resist constitutional policing reforms. The COC in February 2023 recommended that “Sheriff Luna and his designees should consult with the District Attorney’s Office to devise an appropriate procedure for the Department to notify the District Attorney’s Office that a deputy is participating in a prohibited Deputy Gang or Deputy Clique so that prosecutors can make the required [*Brady*] disclosures, if any, to the defense.” *Special Counsel’s Report and Recommendations to the COC Regarding Deputy Gangs and Cliques in the Los Angeles County Sheriff’s Department*, Rec. no. B(4) at p. 51 (Feb. 2023), available at

https://file.lacounty.gov/SDSInter/bos/commissionpublications/report/1138014_DeputyGangsSpecialCounselReporttoCOC3.2.2023.PDF.PDF.

Despite these recommendations, the LASD over time staunchly resisted adopting reforms to improve their role in *Brady* compliance. While then-Sheriff Jim McDonnell sought to adopt more rigorous policies to address these concerns, including defending the importance of disclosing information to the Los Angeles District Attorney’s Office, those efforts have not been the norm. Sixty-two years after *Brady* issued, the LASD still does not have any written policy that covers notifying the District Attorney about deputy sheriffs with credibility problems. Even though his predecessor prevailed in *ALADS*, former Sheriff

Villanueva aborted use of the approved-of *Brady* list, and the current sheriff has not reinstated it or instituted any equally effective procedure.

The LASD's systemic failure to disclose impeaching information about deputy sheriffs has resulted in the wrongful convictions of innocent people.⁴ The LASD's suppression of impeaching information about deputies has also facilitated the misuse of judicial warrants to search oversight officials' homes and to intimidate them publicly as retaliation for officials conducting meaningful oversight of the department.⁵

⁴ The case of *People v. Francisco Carrillo* reveals the human cost of LASD's *Brady* non-compliance. *Carrillo v. County of Los Angeles*, 2012 WL 12884899 (Cal. Ct. App. Sept. 12, 2012). Carrillo, a 16-year-old high school student, was arrested and prosecuted as an adult for a fatal drive-by shooting in Lynnwood. At trial, six juvenile witnesses identified Carrillo as the shooter. The first trial ended in a jury deadlock. After retrial, Carrillo was convicted and sentenced to 25 years to life. Habeas counsel interviewed the six eyewitnesses—who were now adults—and five admitted that they had initially been unable to identify anybody, and they only identified Carrillo as the shooter after being coached and threatened by LASD detective Craig Ditsch, a tattooed member of the notorious Vikings deputy gang. *Id.* at *4. Because the LASD had suppressed this impeaching information, the habeas court granted Carrillo's *Brady* claim and vacated his conviction and sentence. The District Attorney elected not to retry Carrillo and he was released from prison after serving twenty years for a murder he didn't commit. The County settled Carrillo's civil rights lawsuit for \$10 million.

⁵ For example, LASD detective Max Fernandez led the high-profile but discredited investigation of Supervisor Sheila Kuehl and COC member Patti Giggans. A Superior Court judge had previously found that Fernandez had committed perjury at a

This Court should grant a writ of prohibition because the prosecution of Teran impinges on Due Process in criminal trials by dissuading sheriff deputies and prosecutors from complying with *Brady*. Allowing this prosecution to proceed also undermines civilian oversight of law enforcement by giving cover to the LASD for wrongfully refusing to produce requested confidential documents to COC ad hoc committees.

STATEMENT OF RELEVANT FACTS

Diana Teran previously served as the Constitutional Policing Advisor during Sheriff Jim McDonnell’s administration. She later served as a special advisor at the District Attorney’s Office, where she oversaw the Discovery Compliance Unit.

On April 26, 2021, Teran gave Pamela Revel, a deputy district attorney in the Discovery Compliance Unit, public court records concerning numerous sheriff deputies whose past misconduct could trigger credibility concerns. Teran asked Revel

criminal trial. *See People v. Aquino*, 2005 WL 3086694 (Cal. Ct. App. Nov. 2005) (noting that “there is no question that Fernandez’s testimony regarding this matter was false” and “[t]he testimony was deliberate and no slip of the tongue, and helpful to the prosecution”). Despite this judicial finding of perjury, Fernandez testified that he is not a “*Brady* deputy,” nor did he disclose the finding in his affidavit in support of the application to search Giggans’s non-profit and her home. *See* 10/11/2024 COC Special Hearing Trans. at pp. 33, 41, available at https://file.lacounty.gov/SDSInter/bos/commissionpublications/report/1176546_LASDCOC10-11-24-Full-SizedTranscriptwithWordIndex.pdf.

to further research and determine whether those court records ought to be entered into the District Attorney’s internal *Brady* database tracking law enforcement personnel with credibility concerns.

Teran’s efforts to comply with *Brady* are the basis for the information charging her with multiple counts of accessing and using data without consent. Ever since the charges became public, LASD leadership has frequently cited this prosecution as a basis for not disclosing confidential documents to the COC.

ARGUMENT

I. **Applying Section 502(c)(2) to a Prosecutor Who Shares Public Court Records with Another Prosecutor to Determine Whether Those Records Constitute *Brady* Material Criminalizes *Brady* Compliance.**

The court below held that Teran forwarding public court records to a fellow deputy district attorney for possible entry into the office’s *Brady* database could support a conviction for illegal “access and use” of confidential information under section 502(c)(2) of the Penal Code. Section 502—which was passed to address computer hacking and theft of trade secrets—has never previously been applied in this manner. The lower court’s novel theory of liability under section 502(c)(2) cannot be reconciled with the California Supreme Court’s most recent *Brady* decision in *ALADS v. Superior Court*, 8 Cal.5th 28 (2019). In *ALADS*, the

deputy union asserted that that the *Pitchess* statutes⁶ prohibited then-Sheriff Jim McDonnell from creating an internal “*Brady* list” and giving “*Brady* alerts” to the District Attorney. The Court held that nothing in the statutory scheme prohibited law enforcement from compiling a *Brady* list and notifying the prosecution about a deputy sheriff with credibility problems. The Court observed, “In this context, construing the *Pitchess* statutes to cut off the flow of information from law enforcement personnel to prosecutors would be anathema to *Brady* compliance.” *Id.* at 51. The Court squarely rejected the deputy-union’s argument that law enforcement agencies have no *Brady* obligation. In fact, the court stressed that “law enforcement personnel are required to share *Brady* material with the prosecution” and that “the Association’s contrary view that ‘*Brady* relates only to the prosecutor’ and that ‘*Brady* does not impose obligations on law enforcement’ is distressing and wrong.” *Id.* at 52.

Just as it was permissible for then-Sheriff McDonnell to use information about deputy misconduct to create an internal *Brady* list, it is likewise permissible for Teran to use the same information to enhance an internal District Attorney’s *Brady* database to ensure that trial prosecutors comply with their *Brady* obligations. The only distinction with a difference between what

⁶ The law governing protection for the privacy of police officers is found in a series of statutes commonly referred to as “*Pitchess* statutes,” specifically Penal Code sections 832.7 and 832.8 and Evidence Code sections 1043 and 1045. *Warrick v. Superior Court*, 35 Cal.4th 1011, 1019 (2005).

the sheriff did in *ALADS* and what Teran did in this case is that Teran limited her “use” to public court documents in updating the *Brady* database. Those court documents are “public” as a matter of law. *Hurvitz v. Hoefflin*, 84 Cal.App.4th 1232, 1246 (2000) (“Court records are public records, available to the public in general.”).

The court below nevertheless found probable cause that Teran had learned of the names of the deputies⁷ who appealed their discipline by previously accessing confidential information from LASD files. Even if Teran had prior knowledge gleaned from her work as a constitutional policing advisor, she is permitted to draw on that acquired knowledge to fulfill the prosecution’s *Brady* obligations. *See, e.g., ALADS*, 8 Cal.5th at 53

⁷ Police officers’ names are public information. *Commission on Peace Officers Standards and Training (POST) v. Superior Court*, 42 Cal.4th 278, 295-299 (2007) (noting that “the names of all public employees are viewed as public under both state and federal law” and specifically rejecting the assertion that “officers’ names, employing departments, and dates of employment” are confidential under section 832.8); *Long Beach Officers Assoc. v. City of Long Beach*, 59 Cal.4th 59 (2014) (holding that the names of police officers who fatally shot an unarmed man are not confidential under sections 832.7 and 832.8). Consequently, when Teran forwarded the names of a potential “*Brady* deputies” to Revel, she was sharing public information (the name of each deputy sheriff) gleaned from a public source (a court file) to facilitate *Brady* compliance. The fortuity that public information discovered from a public source may relate to something in a deputy’s personnel file does not change the reality that no confidential information was taken or used within the meaning of section 502(c)(2).

(acknowledging that “a prosecutor ... may know from a prior *Pitchess* motion that a confidential file contains *Brady* information regarding an officer in a pending prosecution”). Indeed, prosecutors must fulfill their *Brady* obligation regardless of how the impeaching information was acquired because “what matters for *Brady* purposes is what the prosecution team knows, not how the prosecution team knows it.” *Id.*

The lower court’s strained interpretation of section 502 to cover—indeed, criminalize—*Brady* compliance is contrary to the letter and spirit of *ALADS*. The Court in *ALADS* held that the Sheriff could give *Brady* alerts to the District Attorney without violating *Pitchess* because the District Attorney was differently situated than members of the public and needed that information to fulfill her constitutional duties. The Court wrote, “[D]eeming information ‘confidential’ creates insiders (with whom information may be shared) and outsiders (with whom sharing information might be an impermissible disclosure).” *Id.* at 51. The same “insider” designation applies to Teran and Revel, since both used the information within the confines of the Discovery Compliance Unit to achieve a legitimate governmental purpose, not to disclose it to the public.

II. This Prosecution Will Inhibit Meaningful Civilian Oversight of Law Enforcement.

The application of section 502(c)(2) in this manner has undermined COC oversight of the LASD, which has historically resisted all forms of civilian oversight to the disadvantage of the

communities it is supposed to serve.⁸

Sworn testimony before the COC revealed that LASD investigators previously presented the same or similar evidence to federal authorities, alleging that Teran had improperly accessed and used confidential information obtained when she

⁸ In 1992, the LASD successfully opposed the Kolts Commission’s recommendation that “a commission be appointed by the Board of Supervisors and empowered on an ongoing basis to audit and monitor the LASD on the topics covered by this report.” LASD, *A Response to the Kolts Report* (Nov. 1992) at 277. In 1999, the United States Commission on Civil Rights noted that “[w]hile civilian review may enjoy popular support from the public ... Sheriff Block remained adamantly opposed to non-department civilians investigating complaints against deputies.” U.S. Comm. on Civil Rights, *Racial and Ethnic Tensions in American Communities: Poverty, Inequality, and Discrimination: Volume V: the Los Angeles Report* (May 1999) at 122. In 2014, then-Sheriff Lee Baca resisted oversight aimed at addressing the mistreatment of inmates and deputy gang misconduct in the county jails. When counsel for the Citizens Commission on Jail Violence questioned how he would be held accountable without such oversight, Baca famously replied, “Don’t elect me.” James Tomberlin, “*Don’t Elect Me*”: *Sheriffs and the Need for Reform in County Law Enforcement*, 104 Va. L. Rev. 113, 142 (2018). Baca was subsequently convicted of obstruction of justice and lying to the FBI and sentenced to three years in federal prison. On July 24, 2022, then-Sheriff Alex Villanueva notified the COC that he would not comply with a subpoena to testify at an evidentiary hearing unless the commissioners agreed to his conditions, which were contrary to how all other witnesses had testified. Frank Stolze, *Sheriff Villanueva Continues to Defy Subpoena and Refuses to Testify at Hearing on Deputy Gangs*, LAist (July 24, 2022), available at <https://laist.com/news/criminal-justice/sheriff-villanueva-subpoena-continues-to-defy>.

was the constitutional policing advisor.⁹ At the conclusion of the meeting, federal prosecutors advised the LASD investigators that there was no evidence of criminal conduct; the prosecutors offered to give the LASD investigators a declination letter, which they refused.¹⁰ After being turned down by federal authorities, LASD leadership publicly urged the California Attorney General to prosecute Teran and other oversight officials for “conspiracy, theft of government property, unlawful access of a computer, burglary, and receiving stolen property.”¹¹

After the Attorney General filed these charges, the LASD leadership began using this pending prosecution as an excuse not to produce requested documents to COC ad hoc committees. For example, Sheriff Luna voiced concerns that giving the COC access to confidential documents directly relevant to oversight puts his employees at risk of prosecution by the Attorney General

⁹ Det. Mark Lillienfeld testified that he investigated Diana Teran for accessing confidential information and that he subsequently met with federal officials to brief them about his investigation of Teran and several other oversight officials. 10/11/24 COC Special Hearing Transcript at pp. 95, 108-114, available at https://file.lacounty.gov/SDSInter/bos/commissionpublications/report/1176546_LASDCOC10-11-24-Full-SizedTranscriptwithWordIndex.pdf.

¹⁰ Lillienfeld testified that Brandon Fox, the Chief of the Criminal Division of the U.S. Attorney’s Office for the Central District of California, offered the LASD investigators a declination letter. *Id.* at 118.

¹¹ See Undersheriff Murakami’s Nov. 16, 2021 Letter to Attorney General Rob Bonta, available at https://lasd.org/wp-content/uploads/2022/09/Transparency_Response111621_AG_Bonta_Possible_Criminal_Conduct.pdf.

based on the same theory under which Teran is being prosecuted.¹² The Office of the Inspector General also has declined to give the COC confidential documents obtained from the LASD for the same reason, despite previously providing the COC with similar information.¹³

¹² At the COC's Monthly Business Meeting on December 19, 2024, Commissioner Hans Johnson raised that the LASD cites Teran's prosecution when lobbying against proposed revisions of the Los Angeles County Ordinance 3.79, which clarify and affirm the COC's access to confidential information. *See* Los Angeles County Sheriff Civilian Oversight Commission Business Meeting December 19, 2024, available at <https://www.youtube.com/watch?v=qT72WLuyIrk>.

¹³ At the COC's Monthly Business Meeting on July 18, 2024, Chief Deputy Inspector General Dara Williams noted that OIG officials are reticent to share information with the COC because of the "specter" of Ms. Teran's prosecution and the investigation by the LASD that precipitated her indictment. *See* Los Angeles County Sheriff Civilian Oversight Commission Business Meeting July 19, 2024, available at https://www.youtube.com/watch?v=suTUSVcR_Fs&t=11127s. Months later, at the COC's December Business Meeting, Chair Robert Bonner noted the Office of the Inspector General takes the position that the OIG cannot share information with the COC because of concern over the Attorney General's active prosecution of Diana Teran for unlawfully disclosing allegedly confidential information. Inspector General Max Huntsman confirmed Chair Bonner's statement, adding that because the Attorney General takes the "aggressive position" that the providing of public record from one district attorney to another for consideration as to whether it triggers a constitutional duty under *Brady* is grounds for criminal prosecution, the OIG no longer feels comfortable sharing information with the COC or any of the COC's ad hoc committees. *See* Los Angeles County Sheriff Civilian Oversight Commission Business Meeting December 19, 2024, available at <https://www.youtube.com/watch?v=qT72WLuyIrk>.

Meaningful civilian oversight of law enforcement is critical to building trust between law enforcement agencies and the communities they serve. President’s Task Force on 21st Century Policing, *Final Report of President’s Task Force on 21st Century Policing* (Washington D.C. Office of Community Oriented Policing Services 2015) at 26 (“Civilian oversight alone is not sufficient to gain legitimacy; without it, however, it is difficult, if not impossible for the police to maintain the public’s trust.”) Such meaningful civilian oversight requires giving the oversight body access to all necessary documents, including confidential documents. The National Association of Civilian Oversight of Law Enforcement has stressed, “Unfettered access to the subject law enforcement agency’s records is vitally important to civilian oversight. The ability to review all records relevant to an investigation or other matters within the scope of a civilian oversight agency’s authority in a timely manner is essential to providing effective, informed, and fact-driven oversight.” NACOLE, *Thirteen Principles of Oversight*, Principle III, available at <https://www.nacole.org/principles>. An oversight body’s access to documents is particularly important in California because extremely strict statutory confidentiality for police personnel files prohibits members of the public from accessing information about police misconduct.¹⁴

¹⁴ California has one of the strictest statutory schemes in the nation regarding the confidentiality of police personnel records. See, e.g., Jonathan Abel, *Brady’s Blind Spot: Impeachment Evidence in Police Personnel Files and the Battle Splitting the*

The LASD's refusal to produce requested confidential documents based on professed fears of prosecution by the Attorney General has dramatically undermined meaningful civilian oversight. The COC has been unable to review documents about internal investigations of deputy gangs, deputy-involved shootings, beatings (including the unprovoked beating of an unarmed transgender man), false statements and the filing of false reports to coverup deputy misconduct. Without access to information about these matters, the COC simply cannot fulfill its voter-mandated duty to render meaningful civilian oversight of the LASD.

Prosecution Team, 67 Stan. L. Rev. 743, 762-66 (2015) (classifying California as one of the most restrictive jurisdictions in the nation and arguing that the *Pitches* statutes conflict with *Brady*).

CONCLUSION

Teran's good-faith efforts to update the District Attorney's *Brady* database and ensure full compliance with the Office's constitutional obligations should be lauded, not criminalized. Nor should the LASD leadership be allowed to cynically use this misguided prosecution to escape meaningful civilian oversight. This Court should grant the writ of prohibition forthwith.

Dated: Feb. 17, 2025

Sean Kennedy

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CERTIFICATE OF COMPLIANCE

Pursuant to rule 8.204(c) of the California Rules of Court, I hereby certify that this brief contains 4,477 words, including footnotes. In making this certification, I have relied on the word count of the computer program used to prepare the brief.

Dated: February 17, 2025

Sean Kennedy
Sean Kennedy

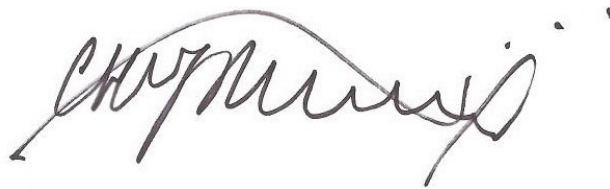
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Civilian Oversight Commission

PROOF OF SERVICE

I, Christopher Hawthorne, am over the age of 18, employed in Los Angeles, California, and not a party to this action. My business address is LMU Loyola Law School, 919 Albany St. Los Angeles, CA 90015. I served **APPLICATION OF THE CIVILIAN OVERSIGHT COMMISSION FOR LOS ANGELES COUNTY SHERIFF'S DEPARTMENT TO FILE AMICUS CURIAE BRIEF; PROPOSED AMICUS BRIEF IN SUPPORT OF PETITION FOR WRITE OF PROHIBITION** by electronic service via Truefiling, which automatically notices all counsel involved in this matter.

I further declare that I served the same document by mail as a courtesy copy to Hon. Charlaine Olmedo of the Los Angeles County Superior Court of California at the following address: 111 N Hill St, Los Angeles, CA 90012.

I declare under the penalty of perjury that the foregoing is true and correct. Executed on February 17, 2025.



Christopher Hawthorne