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OPINION // OPEN FORUM

With all eyes on Trump, this crucial California criminal case has flown under the radar

By [Erwin Chemerinsky](#), [Chesa Boudin](#), [Miriam Aroni Krinsky](#)

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California Attorney General Rob Bonta is being urged by numerous legal and law enforcement experts to cease prosecution of longtime L.A. civil servant Diana Teran.

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The eyes of the country are now on President Donald Trump’s prospective national criminal justice leaders, some of whom have publicly touted “enemies lists” and threatened to use prosecutorial power for political retribution. Unsurprisingly, public polls indicate that confidence in the judicial system is at an all-time low.

Yet even with attention focused on potential abuse of federal prosecutorial power, charging decisions closer to home in California can’t be ignored. State and local

prosecutors form the bedrock of our justice system. They have immense power — deciding how to direct limited law enforcement resources, what conduct warrants investigation, and whom and what to charge criminally. Local prosecutors and state attorneys general are elected to advance their community’s vision for public safety — and we need to hold them accountable for those decisions.

Here in California, a Los Angeles case has flown under the radar that warrants scrutiny: The prosecution of longtime public servant Diana Teran.

Teran has spent decades as a government lawyer devoted to oversight of law enforcement and furthering police accountability. For more than 10 years she prosecuted criminal cases as a deputy district attorney in Los Angeles County and spent four years with the Los Angeles County Office of Independent Review, working on civilian oversight of the sheriff’s department. She was then hired by then-Sheriff Jim McDonnell (now chief of the Los Angeles Police Department) as the department’s first constitutional policing adviser. In 2021, she returned to the Los Angeles County District Attorney’s Office to advise on a wide range of justice system integrity issues, including criminal investigations of law enforcement officers and compliance with statutory and constitutional discovery obligations. Inherent in those duties was abiding by the landmark U.S. Supreme Court case *Brady v. Maryland*, which requires that prosecutors turn over evidence favorable to defendants, including evidence of police misconduct.

On April 24, California Attorney General Rob Bonta filed 11 identical felony charges against Teran for violating an obscure provision of the California Penal Code that prohibits access to computer systems. Specifically, Bonta alleged that Teran did “knowingly access and without permission take, copy, or make use of data from a computer” regarding 11 separate unnamed sheriff deputies. Following pretrial litigation resulting in the dismissal of some allegations, six charges are still

pending. Teran faces a maximum punishment of more than six years in state prison.

Bonta's office alleges that, after returning to the district attorney's office in 2021, Teran shared with a colleague a folder containing court documents that

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be included in an internal database of law enforcement officers accused of misconduct. The attorney general argues that Teran knew about the cases only because of her previous work at the sheriff's department, the documents were emailed to Teran through her department email, and as a result, passed through the department's computer network, and that department permission was purportedly required to share these public records.

Key facts are undisputed: The information Teran shared with a fellow prosecutor contained publicly available court records, not anything from the deputies' personnel files or about deputies previously disciplined for misconduct. Teran shared the information only with fellow prosecutors in the district attorney's office; she never revealed the information to anybody outside her office. And, as Teran has explained to the court, she passed on this information to her colleague to ensure compliance with constitutional Brady disclosure obligations.

As longtime criminal justice experts, it is baffling to us why Bonta's office is pursuing this case.

Prosecutorial resources are inherently limited; there are never adequate resources to prosecute every violation of the law. We're perplexed that prosecuting a career public servant under a highly technical interpretation of an obscure penal code provision, as part of her efforts to ensure compliance with a constitutional obligation, became a priority.

We're not alone. A judge hearing pretrial arguments questioned "what public good" this case advances and questioned the attorney general's decision to use prosecutorial resources and charging discretion: "Part of criminal law is to deter criminal conduct in the future. So, what are we trying to deter here, you know? I'm just not sure."

Similarly, concerned leaders, including former Los Angeles County District Attorneys Gil Garcetti and Ira Reiner, wrote to Attorney General Bonta soon after the charges were filed, urging him to reconsider this prosecution. More recently, they took the extraordinary step of joining other law enforcement leaders in filing friend-of-the-court letters asking the appellate court to reconsider whether Teran's prosecution should go forward. Many academics and experts in police accountability and transparency also weighed in to express constitutional concerns. Civilian oversight professionals filed their own letter, underscoring the chilling effect Teran's prosecution will have on police accountability efforts. (Full disclosure: we joined in these amicus efforts — and one of us worked with Teran for a year at the sheriff's department.)

Now the appellate court has ordered Bonta's office to respond by Feb. 3 to the requested dismissal of charges.

There is a long history of prosecutors failing to meet their disclosure obligations under Brady v. Maryland. Teran's prosecution will chill them from doing so when there are records of police misconduct. Should this case move forward, prosecutors will be able to cite it as a basis to refuse to turn over exculpatory evidence that historically everyone agreed had to be provided. Worse still, rank-and-file prosecutors may fear that ensuring compliance with discovery requirements puts them at risk of criminal prosecution.

Bonta's prosecution of Teran also conflicts with [state legislation](#) expanding public access to records of law enforcement misconduct. That bill, SB1421, signed into law in 2018, gives the public the right to see some records of police misconduct, lifting the historical veil of secrecy around officers who are investigated for serious uses of force, sexual assault and dishonesty in investigations.

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Criminalizing Teran for sharing public documents within her office will inevitably embolden law enforcement agencies and others to shield police misconduct from the sunshine of public review.

This is a moment in American history where modeling the sound exercise of prosecutorial discretion is particularly critical. The Court of Appeal will decide whether to dismiss the charges. But the attorney general is the one who initiated the case and should seize the invitation to end it.

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investigated the Los Angeles County Sheriff's Department and as a special adviser to then-Sheriff Jim McDonnell (where she worked with Diana Teran).

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