

County of Los Angeles

February 16, 2025

Dawyn R. Harrison  
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**Re: Amicus Brief In Support of Diana Teran's Petition  
for Writ in the California Court of Appeal, *Teran v.  
Superior Court (Real Party in Interest: State AG's Office)*  
(2/13/25 COC Agenda; Item No. IV.A.)**

Dear Chair Robert Bonner:

I write to inform you again that the Civilian Oversight Commission's ("COC") does not have authority from the Board of Supervisors' ("Board") to file an amicus brief in support of Diana Teran's Petition for Writ in the California Court of Appeal, *Teran v. Superior Court (Real Party in Interest: State AG's Office)*. Our office asks that the COC not file the amicus brief on behalf of the COC and instead, encourage Commissioner Kennedy to file the amicus brief in his individual capacity.

On February 13, 2025, the COC unanimously (with one absence) voted to authorize Commissioner Kennedy to file an [amicus brief](#) on behalf of the COC in support of Diana Teran's petition for writ against our advice that the COC does not have authority to file the brief. ([Agenda](#), Item IV.A.). As an advisory body to the Board of Supervisors ("Board"), the COC does not have authority to file an amicus brief absent authorization from the Board, which was neither sought by the COC nor granted by the Board. (LACC Section 3.79.030.J – "Advise. Serve only in an advisory capacity to the Board of Supervisors and the Sheriff, and without the authority to manage or operate the Sheriff's Department or direct the activities of Sheriff's Department employees,

including imposition of discipline.") During the [2/13/25 Special Meeting](#), Commissioner Kennedy gave several bases for disagreeing with County Counsel's advice – none of which cited to legal authority, except for reference to Measure R, generally. Below is a summary of his statements and our responses thereto.

- Commissioner Kennedy's statement that the COC cannot file a civil lawsuit on its own without the permission of the Board of Supervisors because County Counsel is the sole representative for the County when it is a party to litigation is partly correct. (2/13/25 Sp. Mtg, at 25 mins., 36 secs.) County Counsel has exclusive charge and control of all civil action and proceedings in which the County or any officer thereof *is concerned*, and not simply where the County is a party. As we advised on 10/23/20, the Office of the County Counsel is charged with providing legal advice to the Board and its departments, commissions, and officials within the County of Los Angeles ("County"). (Los Angeles County Charter art. VI, § 21 (County Counsel "shall represent and advise the Board of Supervisors and all...County officers[,] and is vested with "exclusive charge and control of all civil actions and proceedings in which the County or any officer thereof, is concerned or is a party").) "Los Angeles County Counsel has only one client, namely, the County of Los Angeles." (*Ward v. Superior Court* (1977) 70 Cal.App.3d 23, 32.) The County acts through the Board, its officers, and employees. (*Id.*; Gov. Code § 23005 (The County exercises authority "only through the board of supervisors" or its authorized agents).)
- Commissioner Kennedy believes that because neither the County nor the COC is a party to the criminal prosecution of Diana Teran by the Attorney General, it is appropriate for the COC to file an amicus brief. (2/13/25 Sp. Mtg, at 26 mins., 9 secs.) However, the County does not have to be a party to litigation for County Counsel to file an amicus brief on behalf of the County. In fact, County Counsel often files amicus briefs on behalf of the County upon authorization by the Board. The fact that Diana Teran's case involves a criminal proceeding is not determinative of County Counsel's role as the sole legal advisor of the County.

- Commissioner Kennedy claimed that under County Counsel's rationale, an oversight body can never file an amicus brief (unlike the Department, POPA, ALADS, etc. who regularly file such briefs). (2/13/25 Sp. Mtg, at 28 mins., 35 secs.) However, upon authorization from the Board, County Counsel would file the amicus brief on behalf of the COC.
- Commissioner Kennedy claimed that County Counsel's objection to the COC filing its own amicus brief is newfound because he does not recall County Counsel objecting to the COC's filing of an amicus curiae letter supporting a Petition for Review in *Association for Los Angeles Sheriff Deputies v. Superior Court* 13 Cal.App.5th 413, B28067. We are still trying to gather the facts surrounding the prior filing. However, the previous filing was a letter, and not a legal brief. Furthermore, it appears the letter was approved by the COC on 9/21/17 without consultation from our office or the Board before filing.
- Commissioner Kennedy noted during his presentation at Thursday's special meeting that COC commissioners have extensive knowledge and experience with oversight and they wish to inform the Appellate Justices about how the criminal prosecution of Diana Teran has negatively impacted oversight. (2/13/25 Sp. Mtg, at 26 mins., 55 secs.) Commissioner Kennedy's stated purpose for filing the amicus brief is notable and can be equally accomplished by filing in his individual capacity and signed by members of the COC in their individual capacities.
- Measure R does not grant the COC the power to file an amicus brief without authorization by the Board of Supervisors, nor does the filing of an amicus brief fall under any of the COC's duties. (See LACC Section 3.79.030.)

Absent authorization by the Board, the COC may not file the amicus brief. That said, we believe Commissioner Kennedy can accomplish the same worthy goals by filing the amicus brief in his individual capacity, list his position as a member of the COC for identification purposes, and speak to the Court of Appeal through his personal experience. This includes sharing his extensive knowledge and experience with oversight to inform the Appellate Justices about how Diana Teran's prosecution has negatively impacted oversight.

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Finally, the COC's amicus brief lists Commissioner Kennedy as counsel of record for the COC. However, Commissioner Kennedy is not counsel for the COC or the Board and making such representation to the Court of Appeal is a misrepresentation. If Commissioner Kennedy proceeds with filing the amicus brief without County Counsel's suggested revisions (i.e., file in his individual capacity and not on behalf of the COC), my office is prepared to file a letter with the Court of Appeal clarifying that County Counsel is counsel for the COC and Commissioner Kennedy does not have authority to represent the COC in the filing.<sup>1</sup>

Very truly yours,



DAWYN R. HARRISON  
County Counsel

DRH:LC

c: Edward Yen, Executive Officer  
Board of Supervisors

Sharmaine Moseley, Executive Director  
Sheriff Civilian Oversight Commission

Sean Kennedy, Commissioner  
Governance Ad Hoc Committee

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<sup>1</sup> The Court of Appeal may, on its own motion, impose sanctions on a party or an attorney for committing any unreasonable violation of the Rules of Court. (Cal. Rules of Court, [Rule 8.276\(a\)\(4\)](#).)