

AFFIDAVIT OF TONY BACA

IN SUPPORT OF ARREST WARRANT MADE UNDER CCP 2015.5

I, TONY BACA, hereby declare under penalty of perjury, under the laws of the State of California, as follows:

I. INTRODUCTION

A. Affiant's Training and Experience

I, your affiant, Special Agent Tony Baca, have been a Peace Officer in the State of California since September 2003. I am currently employed by the State of California, Department of Justice, Division of Law Enforcement, assigned to officer-involved shootings for the past three years. Before that, I was assigned to the Bureau of Firearms in the Division of Law Enforcement for two years. Before transferring to the Division of Law Enforcement, I worked for the Division of Criminal Law, assigned to the Bureau- of Medical Fraud and Elder Abuse for two years.

During my career as a law enforcement officer, I have conducted a wide variety of criminal investigations including firearm investigations, white collar, fraud, and computer crime investigations, person(s) and property crimes investigations, parole searches, and arrests. Since July 2021, my primary duty assignment has been to investigate matters specifically relating to officer-involved shootings.

I have successfully completed the Los Angeles County Sheriff's Department Basic Police Academy, receiving a total of 880 hours of formal training on interview and interrogation techniques, presentation of evidence, report writing, search and seizure, sex crimes, crimes against persons, crime scene investigation, collection of evidence, and firearms instruction. With the completion of the Basic Police Academy, I am able to testify for witnesses according to Proposition 115. In addition, I have completed a ten-week P.O.S.T.-certified Adult Parole Agent Academy in Galt, CA. I have obtained the POST Basic and Intermediate Certificates. I have completed a 120-hour P.O.S.T. defensive tactics, arrest and control course. I have completed several classes on criminal evidence, search warrants, method of investigations, interview and interrogation techniques, and criminal law.

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1 I have attended and completed in excess of 500 hours of formal in-service training in law
2 enforcement topics, including the preparation and execution of search warrants. I have had on-
3 the-job training from experienced state investigators and prosecutors handling cases in these
4 areas.

5 Based on my training and experience, I have become knowledgeable about the methods
6 used by persons who violate state laws. During my investigations, I have extensive experience
7 conducting interviews of witnesses and suspects, working in undercover capacity, participating in
8 surveillance operations, making consensual recordings, reviewing digital evidence such as e-mail
9 files and other data in computer systems, utilizing confidential sources and cooperating witnesses,
10 and preparing and executing arrest and search warrants.

11 Your affiant has been assigned to investigate allegations that DIANA MARIA TERAN did
12 commit the offenses in violation of Penal Code section 502(c)(2). Pursuant to this assignment,
13 your affiant has obtained the following information from those who have knowledge of said
14 offenses.

15 **B. Summary of Investigation**

16 In February 2022, the Department of Justice began investigating the *Brady* and Officer
17 and Recurrent Witness Information Tracking System (ORWITS) databases maintained by the Los
18 Angeles County District Attorney's Office (LADA). The investigation commenced after an
19 LADA official who oversees the databases threatened to put a police officer in the LADA's
20 *Brady* database after the officer had arrested him for disrupting a December 2021 traffic stop
21 investigation of his fiancé. Our investigation of that official led to the conduct of DIANA
22 MARIA TERAN, who was an LADA Special Advisor with constructive responsibility for the
23 *Brady* and ORWITS databases at the LADA.

24 Our investigation revealed that, in 2018, DIANA MARIA TERAN, while working as a
25 Constitutional Policing Advisor at the Los Angeles County Sheriff's Department (LASD),
26 accessed over 1,600 statutorily-protected peace officer files as well as internal emails and
27 documents concerning internal affairs investigations and confidential civil service proceedings.
28 Her employment ended at the LASD on November 30, 2018. After joining the LADA in January

1 2021, TERAN repeatedly used data from those LASD personnel files and internal emails and
2 documents in a surreptitious attempt to add peace officer names to LADA's *Brady* and ORWITS
3 databases.

4 **C. Applicable California Statutes**

5 **1. Penal Code section 502**

6 Penal Code section 502, subdivision (c)(2) proscribes the use of government computer data
7 without permission and is punishable as a wobbler. Specifically, any person who "knowingly
8 accesses and without permission takes, copies, or makes use of any data from a computer,
9 computer system, or computer network" is punishable by imprisonment pursuant to subdivision
10 (h) of Section 1170 for 16 months, or two or three years and a fine not exceeding ten thousand
11 dollars (\$10,000), or a misdemeanor, punishable by imprisonment in a county jail not exceeding
12 one year, by a fine not exceeding five thousand dollars (\$5,000), or by both that fine and
13 imprisonment.

14 Pursuant to Penal Code section 502, subdivision (b), "for the purposes of this section, the
15 following terms have the following meanings:

16 (1) "Access" means to gain entry to, instruct, cause input to, cause output from,
17 cause data processing with, or communicate with, the logical, arithmetical, or
memory function resources of a computer, computer system, or computer network.

18 (2) "Computer network" means any system that provides communications
19 between one or more computer systems and input/output devices, including, but not
20 limited to, display terminals, remote systems, mobile devices, and printers connected
by telecommunication facilities.

21 [¶ . . ¶]

22 (5) "Computer system" means a device or collection of devices, including
23 support devices and excluding calculators that are not programmable and capable of
24 being used in conjunction with external files, one or more of which contain computer
25 programs, electronic instructions, input data, and output data, that performs functions,
26 including, but not limited to, logic, arithmetic, data storage and retrieval,
communication, and control. A "computer system" includes, without limitation, any
such device or system that is located within, connected to, or otherwise integrated
with, any motor vehicle as defined in Section 415 of the Vehicle Code.

27 [¶ . . ¶]
28

1 (8) "Data" means a representation of information, knowledge, facts, concepts,
2 computer software, or computer programs or instructions. Data may be in any form,
3 in storage media, or as stored in the memory of the computer or in transit or presented
4 on a display device.

5 **2. Penal Code section 832.7**

6 Penal Code section 832.7, subdivision (a) provides "[e]xcept as provided in subdivision (b),
7 the personnel records of peace officers and custodial officers and records maintained by a state or
8 local agency pursuant to Section 832.5, or information obtained from these records, are
9 confidential and shall not be disclosed in any criminal or civil proceeding except by discovery
10 pursuant to Sections 1043 and 1046 of the Evidence Code."

11 As of January 1, 2019, Penal Code section 832.7, subdivision (b) provides for release of
12 certain personnel records of peace officers pursuant to the California Public Records Act
13 (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).
14 Currently, the following are subject to release after appropriate redactions to, among other things,
15 safeguard the anonymity of witnesses, and provided release does not endanger active
16 investigations:

17 (A) A record relating to the report, investigation, or findings of any of the
18 following:

19 (i) An incident involving the discharge of a firearm at a person by a peace
20 officer or custodial officer.

21 (ii) An incident involving the use of force against a person by a peace officer or
22 custodial officer that resulted in death or in great bodily injury.

23 (iii) A sustained finding involving a complaint that alleges unreasonable or
24 excessive force.

25 (iv) A sustained finding that an officer failed to intervene against another
26 officer using force that is clearly unreasonable or excessive.

27 (B)(i) Any record relating to an incident in which a sustained finding was made
28 by any law enforcement agency or oversight agency that a peace officer or custodial
officer engaged in sexual assault involving a member of the public.

(ii) As used in this subparagraph, "sexual assault" means the commission or
attempted initiation of a sexual act with a member of the public by means of force,
threat, coercion, extortion, offer of leniency or other official favor, or under the color
of authority. For purposes of this definition, the propositioning for or commission of
any sexual act while on duty is considered a sexual assault.

(iii) As used in this subparagraph, "member of the public" means any person
not employed by the officer's employing agency and includes any participant in a
cadet, explorer, or other youth program affiliated with the agency.

1 (C) Any record relating to an incident in which a sustained finding was made
2 by any law enforcement agency or oversight agency involving dishonesty by a peace
3 officer or custodial officer directly relating to the reporting, investigation, or
4 prosecution of a crime, or directly relating to the reporting of, or investigation of
5 misconduct by, another peace officer or custodial officer, including, but not limited
6 to, any false statements, filing false reports, destruction, falsifying, or concealing of
7 evidence, or perjury.

8 (D) Any record relating to an incident in which a sustained finding was made
9 by any law enforcement agency or oversight agency that a peace officer or custodial
10 officer engaged in conduct including, but not limited to, verbal statements, writings,
11 online posts, recordings, and gestures, involving prejudice or discrimination against a
12 person on the basis of race, religious creed, color, national origin, ancestry, physical
13 disability, mental disability, medical condition, genetic information, marital status,
14 sex, gender, gender identity, gender expression, age, sexual orientation, or military
15 and veteran status.

16 (E) Any record relating to an incident in which a sustained finding was made by
17 any law enforcement agency or oversight agency that the peace officer made an
18 unlawful arrest or conducted an unlawful search.

19 **II. PROBABLE CAUSE FOR OFFENSE**

20 I make this affidavit in support of a criminal complaint against DIANA MARIA TERAN.
21 There is probable cause to believe that on or about April 26, 2021, while working at the LADA,
22 TERAN used data from LASD's computers, computer system, and computer network that she
23 had accessed while working there in 2018. Specifically, TERAN used data from LASD peace
24 officer personnel files and internal LASD emails and documents—concerning 11 different peace
25 officers—that was stored in the LASD computers, computer system, and computer network,
26 comprising 11 violations of Penal Code section 502, subdivision (c)(2).

27 The facts set forth in this affidavit are based on my personal observations, my training and
28 experience, information I have received from persons with knowledge regarding relevant facts,
my review of records and documents, and information provided to me by other law enforcement
officers. Because this affidavit is being submitted for the limited purpose of establishing probable
cause that TERAN violated Penal Code section 502, subdivision (c)(2), I have not included each
and every fact known to me concerning this investigation. Unless specifically indicated
otherwise, all conversations and statements described in this affidavit are related in substance and
in part only.

1 **THE LADA'S BRADY AND ORWITS DATABASES**

2 1. Pursuant to the federal Due Process Clause of the Fourteenth Amendment, a prosecutor
3 is obligated to provide exculpatory and impeachment information to the defense. (*Brady v.*
4 *Maryland* (1963) 373 U.S. 83.) A California prosecutor's obligation to provide exculpatory and
5 impeachment information also arises under California's Criminal Discovery Statute as codified in
6 Penal Code section 1054.1(e).

7 2. Your affiant reviewed the LADA's Discovery Compliance Manual, dated December 9,
8 2021. To meet *Brady* and statutory discovery obligations, the LADA maintains the Discovery
9 Compliance System (DCS), i.e., the *Brady* and ORWITS databases. DCS is comprised of the
10 *Brady* and ORWITS databases. The *Brady* database contains exculpatory or impeaching
11 information of recurrent witnesses. This includes some felony and misdemeanor convictions or
12 other misconduct that has been gathered and reviewed which may reflect on the credibility of a
13 witness. The ORWITS database is similar to the LADA's *Brady* database but employs a lower
14 threshold for inclusion. Inclusion is based on "information likely to lead to potential
15 impeachment information." Per LADA policy, information based on mere rumor, speculation, or
16 unverifiable hearsay should not warrant inclusion in the ORWITS database.

17 3. During all times relevant to this affidavit, Jacob Yim was a deputy district attorney for
18 the LADA. Yim was assigned to the Discovery Compliance Unit (DCU) as Deputy-in-Charge
19 from 2018 until March 1, 2022. I interviewed Yim, who told me that, in 2021, the Discovery
20 Compliance Unit (DCU) maintained the LADA's *Brady* and ORWITS databases. Yim said that
21 he was the head of DCU as Deputy-in-Charge and he reported to the Head Deputy of the Post-
22 Conviction & Litigation Branch. Yim said that that Branch was housed within the Prosecution
23 Support Operations Bureau and that Bureau was headed by a Director. Your affiant reviewed
24 LADA organizational charts dated April 19, 2021 and September 7, 2021. The charts represented
25 that the Bureau Director reported to Joseph Iniguez first as Interim Chief Deputy and then as
26 Chief of Staff.

27 4. Yim told me that the ORWITS database is comprised of information obtained from
28 media reports, court records if known, JSID prosecution declinations, a branch or area office

1 prosecution declination involving a law enforcement officer, and courtroom deputy district
2 attorney referrals.

3 **THE LASD'S PERFORMANCE RECORDING AND MONITORING SYSTEM (PRMS)**

4 5. During all times relevant to this affidavit, Todd Bernstein was a LASD deputy sheriff
5 working with Information Technology. I interviewed Deputy Bernstein, who told me that peace
6 officer personnel records for deputy sheriffs are stored electronically in a database in the LASD
7 computer system. Bernstein told me that from 1991 until January 2017, peace officer personnel
8 records were stored electronically in a LASD database known as Personnel Performance Index
9 (PPI). The PRMS came online in January 2017.

10 6. Deputy Bernstein told me that the personnel records in PRMS were stored in 10
11 modules: service comments, special conditions, administrative investigations, traffic collisions,
12 civil claims, civil lawsuits, use of force, deputy involved shootings, internal commendations, and
13 custody/inmate complaints. Bernstein told me that in addition to the administrative investigations
14 conducted by LASD, that module contained civil service proceedings concerning discipline
15 imposed. In such circumstances, either the LASD or the deputy sheriff can request civil service
16 review of discipline. These proceedings are confidential through the hearing officer and
17 commission levels of review. Bernstein told me that there were about 15,000 civil service
18 employees working at the LASD during all times relevant to the affidavit: about 9,000 sworn
19 peace officers and some six thousand civilian employees. Based on his review of computer data
20 of the LASD in 2018, about 150 employees were in civil service proceedings at any one time.

21 7. Deputy Bernstein told me that in February 2018, personnel from the LASD Data
22 Systems Bureau (DSB) implemented audit software, the existence of which was only known to
23 DSB personnel. The audit software logged every inquiry made by a department member into
24 PRMS and chronicled what the department member examined in PRMS. Bernstein also told me
25 that every time a user enters PRMS, the user encounters an admonition on the log in screen. The
26 admonition warns the user that, among other things, unauthorized use is punishable as a felony
27 under Penal Code section 502 and logging into PRMS "indicate[s] acceptance of these terms and
28 willingness to comply." Bernstein told me that these security protocols were in place because the

1 deputy sheriff personnel records contained information maintained pursuant to Penal Code
2 section 832.5 as well as medical, financial, and other information disclosure of which is
3 prohibited by federal law or would cause an unwarranted invasion of personal privacy.

4 **TERAN ACCESSED OVER 1,600 DEPUTY SHERIFF PERSONNEL RECORDS**
5 **BETWEEN FEBRUARY 23, 2018 AND NOVEMBER 30, 2018**

6 8. Deputy Bernstein told me that he reviewed the LASD organization charts and employee
7 roster. He said that TERAN worked as a Constitutional Policing Advisor and as a LASD
8 employee from November 2015 through November 30, 2018.

9 9. At my request in November 2022, Deputy Bernstein told me that he checked the audit
10 logs for TERAN's inquiries into PRMS. Bernstein loaded the TERAN audit log for the
11 administrative investigations module of PRMS into Excel spreadsheets, which I reviewed. This
12 log chronicled, among other things: the date TERAN accessed a given deputy sheriff's personnel
13 record; the name, rank, and employee number of that deputy sheriff; the date the investigation
14 was closed; the investigation's case number; which tab or tabs that TERAN accessed within the
15 record; and whether TERAN downloaded documents from the record in addition to accessing the
16 record.

17 10. Your affiant's review of TERAN's PRMS audit log showed that, from February 23,
18 2018 to November 30, 2018, TERAN logged 14,867 inquiries into the administrative
19 investigation module of PRMS, accessing over 1,600 different deputy sheriff personnel files. The
20 administrative investigations that TERAN reviewed dated as far back as 1988.

21 **TERAN JOINED THE LADA IN JANUARY 2021**

22 11. During all times relevant to this affidavit, Brian Schirm was a deputy district attorney
23 for the LADA. Schirm told me that he was Head Deputy of the Post-Conviction Litigation and
24 Discovery Section from about 2016 until early April 2021. Schirm told me that he knew TERAN
25 from her time working for the Los Angeles County Public Defender's Office, from July 2019
26 until December 2020. Schirm told me that, during the time TERAN worked for the Public
27 Defender's Office, he met with her regularly regarding *Brady* issues.
28

1 12. Schirn told me that TERAN joined the LADA as Special Advisor for the Post-
2 Conviction Litigation and Discovery Section and Justice System Integrity Division (JSID), and
3 she reported to Iniguez. Yim confirmed this and said that TERAN was the constructive
4 supervisor of himself and the other employees in DCU. Heather Borden and Haily Singh were
5 deputy district attorneys assigned to DCU. Singh joined DCU in 2018 and worked there until
6 2023, and Borden joined in 2019 and still works in DCU. I interviewed Borden and Singh
7 separately. Each told me that they understood TERAN to be the constructive supervisor of the
8 employees in DCU as soon as she joined the LADA in January 2021.

9 **TERAN PROVIDES INFORMATION CONCERNING DEPUTY SHERIFFS TO DCU TO**
10 **EVALUATE FOR INCLUSION IN THE *BRADY* OR ORWITS DATABASES**

11 13. Schirn told your affiant that shortly after TERAN began overseeing the LADA's *Brady*
12 and ORWITS databases in 2021, she would serially provide names of a deputy sheriff along with
13 a reason, i.e., conduct, and date for possible inclusion in the DCU databases (one or two at a
14 time). Schirn said that this was the first time that a source for potential DCS information was
15 individual names provided by a supervisor. Schirn said that he suspected TERAN's tips came
16 from peace officer files based on the type of information TERAN provided. He did not recall any
17 specific name or conduct. Schirn was transferred to another assignment in another section in
18 early April 2021.

19 14. Yim told your affiant that shortly after TERAN began overseeing the LADA's *Brady*
20 and ORWITS databases in 2021, she would serially provide names of a deputy sheriff along with
21 a type of conduct and general timeframe for possible inclusion in the DCU databases (one or two
22 at a time). Yim said that while he was aware of TERAN's passion for *Brady* issues, this method
23 was not one of DCU's past methods for receiving tips for the *Brady* or ORWITS databases. Yim
24 said that the tips could have come from peace officer files based on the information TERAN
25 provided. He did not recall any specific name or conduct due to the fact that he had reviewed
26 thousands of such names over his years at DCU. Yim said that he had discussions with Singh and
27 Borden about how TERAN was coming up with these tips about deputy sheriffs that had escaped
28 the DCU's attention over the years: "As for me and my team [Borden and Singh], we're like, you

1 know – we’re daily trying to scour for information, but we’re like where are you getting this stuff
2 because it’s not coming on our radar, right?” Yim was Deputy-in-Charge over DCU until March
3 1, 2022.

4 15. Singh told your affiant that she was only provided the names from TERAN’s deputy
5 sheriff tips by Yim to research. She was not given the conduct at issue or timeframe. Singh told
6 me that it appeared to her that TERAN had information about deputy sheriffs that the LADA and
7 DCU did not have. Singh told me that she did not know for certain if the tips came from
8 TERAN’s memory of her time at LASD. Singh worked in DCU until 2023.

9 **A REVIEW OF THE ENTRIES IN LADA’S *BRADY* AND ORWITS DATABASES**
10 **REVEALED THAT EIGHT ENTRIES WERE MADE IN MAY 2021 USING**
11 **REFERENCES TO CIVIL SERVICE PROCEEDINGS**

12 16. Your affiant obtained via investigative criminal grand jury subpoenas copies of the
13 LADA *Brady* and ORWITS databases from 2021 through March 31, 2022. Your affiant attaches
14 as Exhibit 1 to this affidavit, the Order of the grand jury court (Judge Ricardo R. Ocampo)
15 permitting the use of these sealed materials in any subsequent criminal prosecution.

16 17. Your affiant reviewed the 2,260 records produced pursuant to these subpoenas duces
17 tecum. 152 entries in the ORWITS database and 35 entries in the *Brady* database corresponded to
18 the deputy sheriffs whose peace officer records TERAN had accessed between February 2018 and
19 November 2018 at the LASD. Notably, eight of these LADA records were created and/or
20 updated in May 2021 and had only references to civil service proceedings as support for the
21 entries. The other entries did not have references to civil service proceedings. Civil service
22 proceedings are confidentially conducted for peace officers (through the hearing officer and
23 commission steps) unless one of the parties appeals the discipline imposed (or failure to impose
24 discipline) to the Superior Court. Six of the LADA records at issue had a tentative Superior
25 Court decision concerning civil service proceedings attached as supporting paperwork.
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1 **TERAN SENT AN EMAIL AND FOLDER TO A DCU DEPUTY DISTRICT ATTORNEY**
2 **THAT CONTAINED A LIST OF 33 DEPUTY SHERIFFS, ALL OF WHOM HAD**
3 **PROCEEDED TO DISCIPLINE PROCEEDINGS AND 31 OF WHOM HAD**
4 **PROCEEDED TO CIVIL SERVICE PROCEEDINGS BEFORE 2018**

5 18. During all times relevant to this affidavit, Pamela Revel was a deputy district attorney
6 for the LADA. I interviewed Revel and she told me that she was assigned to DCU beginning in
7 early April 2021. Revel told me that TERAN directly provided her tips to research for inclusion
8 in the *Brady* or ORWITS databases in April 2021. Revel told me that she recalled this because of
9 one of the names on the TERAN list. That name was a deputy sheriff who had [REDACTED]

10 [REDACTED]
11 [REDACTED] Revel was incredulous and concerned over the fact that she had been
12 asked to add this deputy sheriff's name to the ORWITS list for this type of incident.

13 19. My partner, Special Agent Daniel Ibarra, collected screenshots of this April 26, 2021
14 email TERAN sent to Revel. The subject line of the TERAN email informed Revel: "Follow up.
15 Start by May 3, 2021. Due by May 3, 2021." The folder was sent by file transfer. Special Agent
16 Ibarra collected the actual files in the folder. Most of the documents were unsigned tentative
17 Superior Court decisions regarding civil service proceedings.

18 20. Deputy Bernstein told me that the LASD had preserved TERAN's computer and emails
19 she sent and received while she worked as a LASD employee as soon as she left LASD on
20 November 30, 2018. Bernstein provided me copies of the emails and files that were saved on
21 TERAN's computer. I reviewed the emails and documents from TERAN's LASD computer and
22 preserved emails on the LASD computer network, concerning the names on the list TERAN sent
23 to Revel. I was able to determine that TERAN had received materials concerning the
24 administrative investigative files of 32 of the 33 deputies in the years prior to her departure from
25 the LASD. I was able to determine that 10 of the documents in the folder sent to Revel by
26 TERAN appeared to have been scanned, copied, or directly taken from the LASD files.

IN 2018, TERAN ACCESSED THE PEACE OFFICER FILES IN PRMS OF 13 OF THE DEPUTY SHERIFFS ON THE LIST SHE SENT REVEL

21. Your affiant reviewed the PRMS access logs for TERAN from 2018, the only year available. I was able to determine that TERAN had accessed files of 13 of the 33 deputy sheriffs on the list she later sent to Revel on April 26, 2021. TERAN also reviewed detailed internal LASD documents of 32 of the deputy sheriff names and incidents. Deputy Bernstein identified six of the names as being subject to Public Records Act Requests that were produced before April 26, 2021. I searched the internet for any article referencing the names TERAN included on the list she sent Revel and the underlying conduct or proceedings at issue. The following are the names that do not appear in either public records request responses or media articles and form the basis of the 11 counts in the complaint, respectively:

Count No. & Name	Admin Inv	2018 PRMS Access by TERAN	# Accessed	TERAN Access by LASD Email/Doc	Use Date
1. ██████████ ██████████	8/1/2014	N/A	N/A	9/26/2017	4/26/2021 ORWITS
2. ██████████ ██████████	10/22/2013	N/A	N/A	9/26/2017	4/26/2021
3. ██████████ ██████████	9/7/2011	N/A	N/A	9/26/2017	4/26/2021
4. ██████████ ██████████	1/16/2012	N/A	N/A	9/26/2017	4/26/2021
5. ██████████ ██████████	9/3/2010	N/A	N/A	9/26/2017	4/26/2021
6. Gonzalez, Liza	5/6/2010	N/A	N/A	9/26/2017	4/26/2021

1	7. [REDACTED]	11/17/2014	6/12/2018	2 x	9/26/2017	4/26/2021
2	[REDACTED]					
3	8. [REDACTED]	4/17/2013	11/29/2018	1 x	9/26/2017	4/26/2021
4	[REDACTED]					ORWITS
5	9. [REDACTED]	3/27/2013	11/29/2018	1 x	9/26/2017	4/26/2021
6	[REDACTED]					
7	10. Negron,	12/21/2011	N/A	N/A	9/26/2017	4/26/2021
8	Thomas					
9	11. [REDACTED]	6/6/2012	N/A	N/A	9/26/2017	4/26/2021
10	[REDACTED]					ORWITS

TERAN ACCESSED LASD PEACE OFFICER FILES IN PRMS IN 2018 AND OTHER DATA OF THE LASD FROM 2015 TO 2018 TO IDENTIFY AND MAKE A LIST OF DEPUTY SHERIFFS THAT SHE SENT TO REVEL APRIL 26, 2021 FOR DCU DATABASE INCLUSION

22. Based on my background, training, and experience in conducting white collar investigations and computer crimes investigations and the methods used by persons who violate state laws, TERAN used her access to peace officer files in PRMS in 2018 and/or other data belonging to LASD from 2015 to 2018 to identify and make a list of deputy sheriffs who shared in common the fact that all were subject to administrative investigations and civil service proceedings in the past. Not only did TERAN access files in 2018 in PRMS (many of which concerned very old actions), but your affiant's review of emails and documents on TERAN's LASD computer shows that she was tracking these deputy sheriffs' administrative investigations and confidential civil service proceedings over a period of years before and up to 2018.

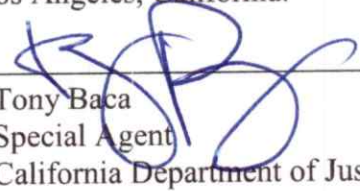
23. Based on my background, training, and experience in conducting white collar investigations and computer crimes investigations and the methods used by persons who violate state laws, persons who access data, especially confidential data, will often seek to obtain a later source of some of the information to obscure the original source. The very low occurrence of deputy sheriffs being subject to administrative investigations and civil service proceedings at any

1 one time belies Teran's assertion that she could have otherwise identified public documents from
2 those proceedings without the information she was exposed to at the LASD. Further, TERAN
3 would not have identified so many of these deputy sheriffs without accessing PRMS and other
4 data of the LASD. TERAN was able to identify 33 deputy sheriffs, all of whom were subject to
5 both administrative investigations and civil service proceedings, when only a very small fraction
6 of deputy sheriffs overall are subject to administrative investigations *and* civil service
7 proceedings. She also was able to do so purportedly in 2021, for events that occurred many years
8 earlier, even though the LADA's DCU discovered only four of those names or incidents over the
9 course of several years. Additionally, as mentioned, it appears that some of the documents
10 TERAN supplied to Revel were scanned, copied, or taken directly from the LASD data files at
11 issue.

12 **III. CONCLUSION AND REQUESTS**

13 Based on the contents of the affidavit, and your Affiant's aforementioned training and
14 experience, I conclude that on April 26, 2021, DIANA MARIA TERAN committed 11 violations
15 of Penal Code section 502, subdivision (c)(2). I therefore request, pursuant to Penal Code section
16 813, that an arrest warrant be issued for the arrest of DIANA MARIA TERAN.

17 Executed this 24 day of April, 2024, at Los Angeles, California.

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19 Tony Baca
20 Special Agent
California Department of Justice

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1 **JUSTIFICATION FOR SEALING AFFIDAVIT**

2 I request that this affidavit and all other documents relating to this affidavit be sealed for the
3 following reasons. First, the warrant sought pursuant to this affidavit relates to an ongoing
4 investigation of a violation of Penal Code section 502, a felony, involving a high-ranking LADA
5 official. Disclosure of these facts may impede any future progress of the ongoing investigation,
6 but may also have a negative impact on the reputation of the official. Second, the LADA official
7 has supervisory authority over three of the witnesses. Disclosure of the affidavit may impede
8 ongoing cooperation of these witnesses. Third, while the Order attached as Exhibit 1 permits the
9 use of grand jury materials for this prosecution, an order unsealing the records obtained by grand
10 jury subpoenas duces tecum must first be obtained. And given the inherent confidential nature of
11 the information about the peace officers as well as the *Brady* and ORWITS databases, a
12 protective order must also be obtained. Therefore, for these reasons, I recommend that this
13 affidavit remain sealed.

14 **ORDER SEALING AFFIDAVIT IN SUPPORT OF COMPLAINT FOR ARREST**
15 **WARRANT**

16 It is hereby ordered that the Affidavit in support of the Complaint for Arrest Warrant be
17 sealed by the Clerk of Court until further notice of this Court or any other Court of competent
18 jurisdiction.

19 Kevin S. Rosenberg 4/24/24
20 Judge of the Superior Court Date
21 KEVIN S. ROSENBERG



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LOS ANGELES SUPERIOR COURT
2024 APR 24 PM 2:13
FILED