



BY FAX AND BY EMAIL

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October 13, 2015

Deputy District Attorney Natalie Adomian
 Special Assistant for the Bureau of Prosecution and Support Operations
 Los Angeles County District Attorney's Office
 210 W. Temple Street, Rm. 18-1103
 Los Angeles, CA 90012

Dear ADA Adomian,

This letter constitutes a request under the California Public Records Act, Cal. Gov. Code § 6250 et seq., and is submitted on behalf of the Electronic Privacy Information Center ("EPIC") to the Los Angeles County District Attorney's Office.

EPIC seeks documents concerning the TrueAllele Casework software.

Background

According to a press report published last week, secret techniques are being used in the criminal justice system to determine guilt or innocence.¹ Proprietary software such as Cybergenetics' TrueAllele technology ("TrueAllele") is being used by law enforcement officials across the nation to automatically analyze and interpret DNA data, and individuals accused of crimes are being denied the ability to ascertain the accuracy of the software's results by examining its source code.

Cybergenetics' website describes TrueAllele as follows:

TrueAllele Casework is a computerized DNA interpretation system that objectively infers genetic profiles from all types of DNA samples. These profiles can then be automatically matched against available references or large databases, producing informative match statistics that are easy to explain and re-

¹ Rebecca Wexler, *Convicted by Code*, Slate (Oct. 6, 2015, 12:28 PM), http://www.slate.com/blogs/future_tense/2015/10/06/defendants_should_be_able_to_inspect_software_code_used_in_forensics.html.

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port. TrueAllele Casework is court tested and offers tools for simplified validations and training.²

Earlier this year, a similar program used by New Zealand prosecutors was found to have a coding error that provided incorrect likelihood ratio DNA match statistics in approximately 60 cases, including a high profile murder case.³

In California, defendant Martell Chubbs challenged his inability to examine the source code of the software that was providing evidence against him, but his request was denied.⁴ Secrecy of the algorithms used to determine guilt or innocence undermines faith in the criminal justice system.

Accordingly, EPIC requests copies of the following documents:

1. All contracts, proposals, and technical specifications from Cybergenetics regarding the automated DNA-matching program TrueAllele;
2. All audits, assessments, and memoranda regarding the accuracy of TrueAllele; and
3. A copy of the source code and documentation for TrueAllele software the Los Angeles County District Attorney uses to compute likelihood ratio DNA match statistics.

Duplication Fee Waiver

EPIC requests a waiver of duplication fees as permitted by Cal. Gov. Code § 6253.1.⁵ EPIC is an independent non-profit research center in Washington, DC working to protect privacy, freedom of expression, democratic values, and to promote the Public Voice in decisions concerning the future of the Internet. EPIC pursues a wide range of program activities including public education, litigation, and advocacy. EPIC is recognized as a “representative of the news media,”⁶ and seeks the records for non-commercial reasons.⁷

Conclusion

Thank you for your consideration of this request. As provided in Cal. Gov. Code § 6253(c), I will anticipate your determination on our request within ten business days. For questions regarding this request I can be contacted at 617-945-8409 or FOIA@epic.org.

² Cybergenetics: DNA Casework, <http://www.cybgen.com/systems/casework.shtml> (last visited October 9, 2015).

³ David Murray, *Queensland authorities confirm ‘miscode’ affects DNA evidence in criminal cases*, The Courier Mail (March 21, 2015 12:00 AM), <http://www.couriermail.com.au/news/queensland/queensland-authorities-confirm-miscode-affects-dna-evidence-in-criminal-cases/story-fnn8dlfs-1227272252768>.

⁴ *People v. Chubbs*, No. B258569 (Cal. Ct. App. 2015), available at <https://www.courtlistener.com/opinion/2768743/people-v-chubbs-ca24/>.

⁵ *See North Cty. Parents Org. v. Dep’t of Education*, 23 Cal. App. 4th 144 (1994).

⁶ *EPIC v. Department of Defense*, 241 F. Supp. 2d 5 (D.D.C. 2003).

⁷ *About*, EPIC (2015), <https://epic.org/epic/about.html>.

Respectfully Submitted,

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