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July 10, 2018

Via Electronic Mail

Erin Murphy
Erin.murphy@nyu.edu

Re: California Public Records Act Request

Dear Ms. Murphy:

This letter is in response to your correspondence received in the Department of Justice (DOJ), in which you requested records pursuant to the California Public Records Act as set forth in Government Code section 6250 et seq. Specifically, you requested:

...opportunity to inspect or obtain copies of public records that provide the demographic characteristics of your state level (SDIS) DNA database. Specifically, I am seeking a snapshot in time of: 1) the total number of DNA profiles held in the convicted offender and arrested offender databases; 2) the percentage or number of those profiles that belong to females versus males; 3) the percentage or number of those profiles that fall within specific racial and ethnic categories, in terms of the major racial/ethnic groups (e.g., Caucasian/White, African-American/Black, Hispanic, Asian, etc.). I do not seek any personally identifying or individualized information; I only want an aggregate statistic. I also recognize that the composition of the database may change day-to-day, which is why I ask only for a recent snapshot at any moment in time (ideally within the last year). 5) Finally, I prefer to receive the information according to the categories described (convicted offender and arrestee) but will accept data that combines those groups.

- (1) As of July 5, 2018, there were 2,019,899 offender profiles in the convicted offender index of California's State DNA Index System (SDIS), and 751,822 profiles in the arrestee index of California's SDIS. Please note that these totals do not account for the presence of duplicate profiles generated from multiple samples collected from the same offender. Also note that the contents of the arrestee index are quite fluid. The Department is continually converting arrestees to convicted offender status based on ongoing review of criminal history records. But, there is necessarily a time lag following conviction during which recently convicted offenders remain in the arrestee index. Further, the conversion software may not catch a substantial number of arrestees, including, but not limited to, those (1) whose felony convictions were subsequently reduced to

misdemeanors, but who nonetheless qualify for retention in the convicted offender index based on the felony conviction, and (2) who are convicted of a misdemeanor but qualify for retention in the convicted offender index based on a prior felony conviction. Consequently, the numbers provided overestimate the number of true arrestees, and underestimate the number of true convicted offenders.

- (2) As of July 5, 2018, there were 309,827 convicted offender profiles attributable to females in California's SDIS, 1,603,222 convicted offender profiles attributable to males in California's SDIS, and 106,850 convicted offender profiles with an unknown gender in California's SDIS. Note that the percentages for males and females you seek can be calculated accordingly, in conjunction with the data provided in response (1), above. In addition, gender classification is not considered a required field on the collection card. Also note that the Department of Justice does not verify the accuracy of reported gender classifications.

As of July 5, 2018, there were 208,225 arrestee profiles attributable to females in California's SDIS, 524,231 arrestee profiles attributable to males in California's SDIS, and 19,366 arrestee profiles with an unknown gender in California's SDIS. Note that the percentages for males and females you seek can be calculated accordingly, in conjunction with the data provided in response (1), above.

- (3) As of July 5, 2018, in California's convicted offender SDIS index there were approximately 368,952 offenders whose race was marked as African American, 588,555 offenders marked as Caucasian, 652,121 offenders marked as Hispanic, and 16,384 offenders marked as Asian. Note that racial classification is not considered a required field on the collection card; thus, an unknown number of offenders may have no racial classification listed. Also note that the Department of Justice does not verify the accuracy of reported racial classifications. Any data on this point result from either self-reporting by the offender or speculation on the part of the law enforcement officer supervising the collection.
- (4) As of July 5, 2018, in California's arrestee SDIS Index there were approximately 104,741 arrestees marked as African American, 231,313 arrestees marked as Caucasian, 308,450 arrestees marked as Hispanic, and 11,191 arrestees marked as Asian. The same qualifications noted in response (3), above, apply here as well.

Finally, it is important to understand that neither race nor any other personal identifying information is actually contained or searched in SDIS. SDIS contains only the DNA profile itself and an anonymous specimen identification number for any given offender. The information we are providing to you is maintained in a separate, non-CODIS, database, and is not searched for criminal identification purposes. In other words, race is not, and cannot, be used

Murphy, Erin
Page 2

as a search criterion when operating CODIS databases, and does not appear in any search result. Moreover, there is no reference to an offender's race in hit notification letters generated by the Department of Justice and provided to investigating law enforcement agencies.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shannon Patterson', written over the printed name.

SHANNON PATTERSON
Staff Services Manager II
Office of the Chief
Division of Law Enforcement

For XAVIER BECERRA
Attorney General