

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE



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July 30, 2009

Sean A. Kensinger
Deputy District Attorney
3501 Civic Center Dr. Room 130
San Rafael, CA 94903-5207

Re: Maintenance and Calibration Records in Marin DA #CR *****
EPAS Instrument ARRA0423

Dear Mr. Kensinger:

I regret that I am unable to provide all of the records that you have requested, 30 days before and after March 14, 2009. The instrument, ARRA0423, suffered a catastrophic failure on or about March 11, 2009 with regards to its functional electronics and memory. The Department of Justice maintains electronic copies of subject test records and accuracy test records. Printouts of the subject test records are maintained by the law enforcement agency. Accuracy check printouts may or may not be maintained by the law enforcement agency.

Included with this letter you will find an EPAS Accuracy Check report (1 page) and an Evidential Test Records Without Names report (1 page) from February 12, 2009 through March 06, 2009, the date of the last successful upload of information from the instrument to the Department of Justice computer server. Although the reports were generated to include all accuracy checks and evidential tests performed between February 12, 2009 and July 27, 2009, only the records that were successfully uploaded to the Department of Justice computer server are available.

Also included with this letter is an EPAS Maintenance Records report (1 page) which contains all of the maintenance records from February 12, 2009 through July 03, 2009. The maintenance records are recorded differently from the other records and therefore were not affected by the instrument's electronic failure. For clarity, I have summarized the maintenance events below.

This instrument was brought into the laboratory on March 05, 2009 with a reported communication error. On March 06, 2009 service was performed on the instrument and subsequently the modem was found to be loose. The modem was secured, an accuracy check performed, and the instrument's records were uploaded to the Department of

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Justice computer server. No date and/or time issues were observed during this service. The instrument was picked up by the agency on March 11, 2009.

On March 26, 2009, instrument ARRA0423 was returned to the laboratory with a reported E9 error, system memory failure. The instrument was forwarded to the Instrument Support Unit in Sacramento for repair. The instrument's records could not be uploaded to the Department of Justice computer server. Consequently, the electronic copies of the subject test records and accuracy checks created after the March 06, 2009 upload were lost.

The instrument was removed from service on July 03, 2009 due to the performance issues, although it had not been used in the field since March 26, 2009, the date it was brought in for service.

If you have any other questions, do not hesitate to contact me.

Sincerely,


Vesna Kraushaar
Criminalist

For EDMUND G. BROWN JR.
Attorney General

Enclosures