

In the matter of the *Commissions of Inquiry Act 1950*
Commissions of Inquiry Order (No. 3) 2022
Commission of Inquiry into Forensic DNA Testing in Queensland

STATEMENT OF STEPHAN PAUL FOXOVER

I, Stephan Paul Foxover of 200 Roma Street, Brisbane, Queensland, 4000 state as follows:

The following statement is provided in response to a notice I received from the Commission of Inquiry into Forensic DNA Testing in Queensland requiring me to give information in a written statement regarding my knowledge of matters set out in the Schedule attached to that notice. Attached and marked '**Exhibit 1**' is a copy of that notice.

Background

1. I am a Senior Sergeant and I am currently relieving as the Inspector of Biometrics in the Queensland Police Service (QPS).
2. I commenced with the QPS in 1997.
3. Prior to commencing with the QPS, I obtained certifications as an Avionics and Telecommunications Technician. I have completed a Diploma of Police Investigation (Detective Appointment), and a Diploma of Police Intelligence (Intelligence Analyst).
4. I have held a variety of roles within the QPS, including intelligence and investigation. In 2018 I commenced with the DNA Management Section as a sergeant team leader in the profile management team. In 2020 I gained a promotion to the position of Senior Sergeant Principal DNA Management Officer.

Acting Inspector

5. I acted in the position of Inspector for the following periods:
 - (a) 23 November 2020 to 18 December 2020;
 - (b) 04 January 2022 to 27 January 2022;
 - (c) 19 April 2022 to 06 May 2022; and
 - (d) 04 July 2022 to 11 September 2022.

Stephan Paul Foxover



Witness 

June 2022 - August 2022

6. I had no involvement in any meetings with Queensland Health between 1 June 2022 and 18 August 2022 relating to:
 - (a) Any process changes in the QHFSS DNA Analysis Unit,
 - (b) The concentration of samples in the low quant range (between 0.001ng/ μ L and 0.0088ng/ μ L), and
 - (c) Turn Around Times (TAT).
7. I had no involvement with the decision made on or about 6 June 2022 to determine the process to be followed for samples with a quantitation value between 0.001 ng/ μ L and 0.0088 ng/ μ L.
8. In relation to the decision made on or about 6 June 2022, I am not aware who made the final decision. I do not have specific knowledge of when the decision was made. I believe the decision was made to ensure that no DNA evidence was missed due to incomplete testing, however I was not consulted and no justification for the decision was presented to me.
9. I provided no feedback or advice to Queensland Health in relation to the decision made on or about 6 June 2022.
10. From conversations I had with Inspector Neville, I believed that after 6 June 2022, all major crime samples were being micro concentrated if they fell within the range 0.001 ng/ μ L and 0.0088 ng/ μ L. This appeared sound to me as it meant that every effort was being made to retrieve a useable amount of DNA from the sample which may have resulted in a suspect forensic identification.

Decision on 19 August 2022

11. I had no involvement with the decision made on or about 19 August 2022. I was aware of the issue due to my inclusion in an email that contained earlier communication from Inspector Pobar and Inspector Neville. The relevant email was sent from Helen Gregg (QHFSS), dated 19 August 2022. A copy of that email is attached and marked '**Exhibit 2**'.

.....
Stephan Paul Foxover



August 2022 - September 2022

12. Around 30 August 2022, I became aware that some samples had been tested and QHFSS had sent requests in the Forensic Register and by email to scenes of crime officers and investigators with the following wording:

Hello, a DNA profile has been obtained from the linked crime scene sample. I am seeking approval for additional work to be undertaken on the sample, in an attempt to obtain a suitable DNA profile for interpretation. Please be advised if this additional work is approved, the DNA extract will be consumed. This means there will be no opportunity for further processing in this laboratory, or elsewhere if alternative technologies are under consideration. We understand that consultation with the Investigating Officer may be necessary and will await the outcome of those discussions. Once finalised, please advise via return Request/Task if the additional work is approved. If approval is not provided, the DNA profile obtained will be reported.

13. I was surprised by this as normally the DNA Management Section would be the point of contact for these types of questions. I also thought that it would be difficult for the QPS to decide on testing options given the limited information provided by QHFSS in the wording of the task.
14. I was aware that this change may have been related to the direction QHFSS were now working under, as provided by Helen Gregg in the email dated 19 August 2022, which stated in part:

If further amplification is considered beneficial, and if this process will exhaust the remaining sample volume, then written approval must be obtained from the Queensland Police Service (QPS) prior to that process being initiated.

15. I decided to clarify this process and request that QHFSS provide sufficient information to enable the DNA Management Section staff to make an informed decision.



16. I arranged to have the six active tasks re-assigned to a member of the DNA Liaison Unit until I could investigate.
17. I sent an email to Cathie Allen (QHFSS) dated 30 August 2022, regarding the matter. She responded by way of email dated 31 August 2022. Both of these emails are included as part of the email chain. In that response Cathie advised that she would implement a new workflow and provide the additional information. This email correspondence is attached and marked '**Exhibit 3**'.
18. On 31 August 2022, I received an email from Helen Gregg providing me with advice that re-testing of samples would increase the turnaround time of testing. I was concerned that any increase in turnaround times may negatively impact detection of offenders and jeopardise court proceedings. For these reasons, I brought this to the attention of Superintendent Duncan McCarthy and he responded to Helen. I was included in the email chain between Superintendent McCarthy and Helen Gregg dated 2 September 2022, which is attached and marked '**Exhibit 4**' .
19. On 1 September 2022, I emailed Cathie Allen seeking to confirm the testing process in place at QHFSS. I was aware that new tasks regarding re-testing of samples would soon be received by the DNA Liaison and Major Crime Unit. I required confirmation from QHFSS in order to brief staff regarding the new process. A copy of that email dated 1 September 2022 is attached and marked '**Exhibit 5**' .

TAKEN AND DECLARED before me at Brisbane in the State of Queensland this ~~14th~~ day of September 2022

..... 

Stephan Paul Foxover Witness  

..... 

Stephan Paul Foxover Witness  



In the matter of the *Commissions of Inquiry Act 1950*
Commissions of Inquiry Order (No. 3) 2022
Commission of Inquiry into Forensic DNA Testing in Queensland



QP 0125A
05/22
A3

**STATEMENT OF STEPHEN PAUL
 FOXOVER
 INDEX TO EXHIBITS**

Exhibit no.	Description
1.	Notice number 2022/00148 – Requirement to give information in a written statement – dated 07/09/2022
2.	Email from Helen Gregg (QHFSS) to David Neville (QPS) – dated 19/08/2022
3.	Email chain between Stephan Foxover (QPS) and Cathie Allen (QHFSS) – dated 30/08/2022
4.	Email chain between Helen Gregg (QHFSS), Stephan Foxover (QPS) and Duncan McCarthy – dated 31/08/2022
5.	Email chain between Stephan Foxover (QPS) and Cathie Allen (QHFSS) – dated 01/09/2022

Notice number: 2022/ 00149

**COMMISSION OF INQUIRY INTO FORENSIC DNA TESTING
IN QUEENSLAND**

Section 5(1)(d) of the *Commissions of Inquiry Act 1950*

REQUIREMENT TO GIVE INFORMATION IN A WRITTEN STATEMENT

To: Stephen Foxover
Of: Queensland Police Service

I, Walter Sofronoff QC, Commissioner, appointed pursuant to Commissions of Inquiry Order (No. 3) 2022 to inquire into certain matters pertaining to forensic DNA testing in Queensland require you to attend to give a written statement to the Commission pursuant to section 5(1)(d) of the *Commissions of Inquiry Act 1950* in regard to your knowledge of the matters set out in the Schedule annexed hereto.

YOU MUST COMPLY WITH THIS REQUIREMENT BY:

Giving a written statement prepared either in affidavit form or verified as a statutory declaration under the *Oaths Act 1867* to the Commission of Inquiry on or before **12:00 Tuesday 13 September 2022** by delivering it to Level 21, 111 George Street, Brisbane.

A copy of the written statement must also be provided electronically by email at [REDACTED], with the subject line "Requirement for Written Statement".

If you believe that you have a reasonable excuse for not complying with this notice, you will need to satisfy me of this by the above date.

DATED this 7 day of September 2022

[REDACTED]
Walter Sofronoff QC

Commissioner

Commission of Inquiry into Forensic DNA Testing in Queensland

Notice 2022/00148

Schedule of topics for statement

Stephen Foxover

Background

1. State your current rank and position in the Queensland Police Service.
2. State your qualifications, experience and relevant positions held. Alternatively, please furnish a CV.

Acting Inspector

3. Outline all periods in which you acted in the position of Inspector between January 2020 and 7 September 2022.

June 2022 - August 2022

4. Explain in detail all meetings, discussions or correspondence you were involved in with management of Queensland Health or the Queensland Police Service between 1 June 2022 and 18 August 2022 relating to:
 - a. Any process changes in the QHFSS DNA Analysis Unit,
 - b. The concentration of samples in the low quant range (between 0.001ng/ μ L and 0.0088ng/ μ L), and
 - c. Turn Around Times (TAT).
5. What involvement, if any, did you have in the decision made on or about 6 June 2022 to determine the process to be followed for samples with a quantitation value between 0.001 ng/ μ L and 0.0088 ng/ μ L? Explain your involvement in detail, with reference to material and information you had access to in relation to the decision, meetings, discussions or correspondence in relation to the decision, and others' contribution to the decision.
6. If you had no involvement in the decision made on or about 6 June 2022, what is your understanding, and explain the basis for your understanding, of the following:
 - a. Who made that decision;
 - b. When the decision was made;
 - c. The reasons for the decision;
 - d. The material or information on which the decision was based;
 - e. The meetings, discussions or correspondence in relation to the decision.
7. Explain any response, feedback or advice you gave Queensland Health in relation to the decision made on or about 6 June 2022. Attach all relevant documents.

8. Explain any discussion or correspondence of the decision of 6 June 2022 that occurred between 6 June 2022 and 19 August and identify:
 - a. Who was involved;
 - b. What occurred in any correspondence or discussions;
 - c. The reason for any discussion or reconsideration.
9. What was your understanding as to when and which samples were being concentrated following the 6 June 2022 process change? Explain the basis for your understanding.

Decision on 19 August 2022

10. What involvement, if any, did you have in a decision made on or about 19 August 2022, relating to a process change in the QHFSS DNA Analysis Unit? Explain your involvement in detail, with reference to material and information you had access to in relation to the decision, meetings, discussions or correspondence in relation to the decision, and others' contribution to the decision. Include in your answer your understanding of:
 - a. Who made that decision;
 - b. When the decision was made;
 - c. The reasons for the decision;
 - d. The reason for reconsidering the decision made on 6 June 2022, and how, when and by what means that reason came to your attention;
 - e. The material or information on which the decision was based;
 - f. The meetings, discussions or correspondence in relation to the decision.
11. If you had no involvement in the decision made on or about 19 August 2022, or consideration leading to that decision, what is your understanding, and explain the basis for your understanding, of the following:
 - a. Who made that decision;
 - b. When the decision was made;
 - c. The reasons for the decision;
 - d. The reason for reconsidering the decision made on 6 June 2022, and how, when and by what means that reason came to your attention;
 - e. The material or information on which the decision was based;
 - f. The meetings, discussions or correspondence in relation to the decision.

August 2022 - September 2022

12. Explain in detail all meetings, discussions or correspondence you were involved in with management of Queensland Health or the Queensland Police Service between 19 August and 30 September 2022 relating to:
- a. Any process changes in the QHFSS DNA Analysis Unit,
 - b. The concentration of samples in the low quant range (between 0.001ng/ μ L and 0.0088ng/ μ L),
 - c. Exhaustion of samples, and
 - d. Turn Around Times (TAT).

Attach all relevant documentation.

13. Outline all information or advice you requested from management of Queensland Health regarding the concentration of DNA (including the exhaustion of samples). Attach all relevant documents.

14. Explain the responses, if any, you received from management of Queensland Health regarding any information or advice requested regarding the concentration of DNA (including the exhaustion of samples). Attach all relevant documents.

Foxover.StephanP[OSC]

From: Helen Gregg [REDACTED]
Sent: Friday, 19 August 2022 15:42
To: Neville.DavidH[OSC]
Cc: Foxover.StephanP[OSC]; McCarthy.DuncanJ[OSC]
Subject: RE: Further clarification previous email: Assessment of low quant DNA samples report

CAUTION: This email originated from outside of Queensland Police Service. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good afternoon David, Duncan and Stephan,

I am now able to confirm that all Priority 1 and Priority 2 samples with a quantitation result between 0.001ng/uL (LOD) and 0.0088ng/uL, shall be concentrated down to a volume of 35uL and undergo one amplification process.

If further amplification is considered beneficial, and if this process will exhaust the remaining sample volume, then written approval must be obtained from the Queensland Police Service (QPS) prior to that process being initiated.

A review of the laboratory information system is being undertaken to identify any sample results within this quantitation range from 6 June 2022 to today's date inclusive. Any such samples are now to be subjected to the concentration process, if not already undertaken.

Regards
Helen



Helen Gregg

A/Executive Director

Forensic and Scientific Services

Prevention Division, Queensland Health

p (07) [REDACTED]
[REDACTED] www.health.qld.gov.au/fss

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From: Neville.DavidH[OSC] <[REDACTED]>
Sent: Wednesday, 17 August 2022 8:19 AM
To: Helen Gregg <[REDACTED]>
Cc: Foxover.StephanP[OSC] <[REDACTED]>; McCarthy.DuncanJ[OSC]

< [redacted] >

Subject: FW: Further clarification previous email: Assessment of low quant DNA samples report

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Hi Helen

I am just following up on an email sent to me by Darren Pobar. I note that all samples are run through the process now without any initial micro-con of low quant ones. The Options Paper indicated that samples below a concentration of .0088ng/uL were prone to stochastic effects. Is there a risk of profiles being missed if samples below this concentration, particularly at the lower range, are run through without micro-concentration? Is there a policy/trigger in relation to the circumstances where a sample would be reworked and what this might involve, e.g. micro-concentration. Also, was there any advantage to microconing the low quat samples before they were amplified?

Regards



David Neville
Inspector
Biometrics
Forensic Services Group
Operations Support Command

[redacted]
[redacted]

From: Pobar.DarrenJ[OSC] < [redacted] >

Sent: Wednesday, 17 August 2022 07:14

To: Neville.DavidH[OSC] < [redacted] >

Subject: FW: Further clarification previous email: Assessment of low quant DNA samples report



Darren Pobar | Inspector
Scientific Section
Forensic Services Group
Operations Support Command
Queensland Police Service

[redacted]
[redacted]
[redacted]



Our values are at the core of who we are and what we do each day

From: Helen Gregg <[REDACTED]>
Sent: Wednesday, 20 July 2022 12:36
To: Pobar.DarrenJ[OSC] <[REDACTED]>
Subject: RE: Further clarification previous email: Assessment of low quant DNA samples report

CAUTION: This email originated from outside of Queensland Police Service. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Darren,

I have reached out to my colleagues to assist me with this response:

In 2018, an Options Paper was provided to the QPS with options regarding processing. The QPS reviewed the options and approved for the implementation of the Option where samples with a quant value between 0.0001 and 0.0088ng/ul would be advised as 'DNA Insufficient for processing' and QPS officers could request testing of these samples, which would involve a concentration step prior to amplification.

A Follow-up paper was provided to the QPS last month or so ago, regarding samples that had been concentrated prior to amplification and the outcome of those samples.

Prior to the announcement of the commission of inquiry, the DG requested options for processing that did not include the 'DNA insufficient' process. Options were provided and the Premier announced that Cabinet had decided the DNA insufficient process was no longer being used, and all samples were being processed. From this, we take it that the Premier and Cabinet did not appear to choose the option that included concentration of samples within a particular range, given potential workplace health and safety issues.

Lara advised Supt McNab of the decision and process in the attached email, given the announcement by the Premier of the Cabinet's decision.

Samples are processing through DNA profiling and upon review of the profile obtained, staff will assess if concentration of the sample would be of benefit, within the context of the case. The option of concentration is available, as it has always been since it's implementation in the late 1990's.

From a Forensic DNA Analysis perspective, the most conservative option has been chosen – in that all samples are being profiled, concentration can be done once an appropriate evaluation of the resulting profile has been reviewed, and allows the work unit to gather data on the effectiveness of the concentration step when applied to samples with low quantitation values.

Regards
Helen

From: Pobar.DarrenJ[OSC] <[REDACTED]>
Sent: Wednesday, 20 July 2022 9:51 AM
To: Helen Gregg <[REDACTED]>
[REDACTED]ment of low quant DNA samples report

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Good morning Helen

Further to the below query, I am seeking further clarification of the current testing process by QHFSS announced by the Minister. With the 0.0088ng/ul threshold removed, are some samples now being processed without any microconcentration step in place. Ie those between .001 and .0088 which would potentially benefit from concentration.

Regards
Darren



Darren Pobar | Acting Superintendent
Forensic Services Group
Operations Support Command
Queensland Police Service

[Redacted]
[Redacted] au



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From: Pobar.DarrenJ[OSC]
Sent: Friday, 15 July 2022 12:00
To: helen.[Redacted]
Subject: Assessment of low quant DNA samples report

Good morning Helen

I am currently relieving for a short term in Superintendent Bruce McNab's role in Forensic Services Group.

I refer to attached report provided by Acting Executive Director Lara Keller to Supt McNab on 24 June 2022 regarding a review assessment of low quant DNA samples and I thank QHFSS for compiling and providing this new report. I note that the success rate in this new review of the micro-concentration process is approximately 25%. This is considerably higher than predicted in the 2018 Options Paper that recommended the removal of the process as a matter of routine. We are still considering the material provided and hope to discuss the options with QHFSS in the near future.

I understand the Health Minister announced on 30 May 2022 the .0088ng/uL processing threshold has been removed and that all samples are now processed as a matter of routine. I am seeking clarification on the current process on testing low quant value samples. If correct that all samples from priority 1 to 3 are being processed despite low quant values, the QPS has concerns how this change will impact anticipated backlogs and turn around times of results. Should this present as a risk, could you also please advise what strategies are in place to mitigate this issue.

Thank you again for providing the report and I look forward to receiving your advice on these queries.

Regards



Darren Pobar | Acting Superintendent
Forensic Services Group
Operations Support Command
Queensland Police Service



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Foxover.StephanP[OSC]

From: Cathie Allen <[REDACTED]>
Sent: Wednesday, 31 August 2022 15:46
To: Foxover.StephanP[OSC]
Cc: Helen Gregg; McCarthy.DuncanJ[OSC]; Justin Howes; Paula Brisotto
Subject: RE: URGENT: New reporting process involving low quant samples

CAUTION: This email originated from outside of Queensland Police Service. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Stephan

Thanks for your email with feedback on a new process.

I've worked with Helen Gregg, Paula Brisotto and Justin Howes and we've devised a workflow that will include the below dot points. We will implement this new workflow from here forward, and will add the additional information for the barcodes listed below.

Could you please confirm that the Request / Task should be directed to Results Management Team (RMT) of QPS DNA Unit? We just want to ensure that it goes to the right team.

Cheers
 Cathie



Cathie Allen BSc, MSc (Forensic Science) (She/Her*)
 Managing Scientist

Social Chair, Organising Committee for 25th International Symposium of the Australian and New Zealand Forensic Science Society (ANZFSS), Brisbane, 11 – 15 Sept 2022

Police Services Stream, Forensic & Scientific Services
 Prevention Division, Queensland Health

P [REDACTED]
a 39 Kessels Road, Coopers Plains, QLD 4108
e [REDACTED] **w** www.health.qld.gov.au/fss

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*If you're wondering about the use of pronouns She/Her on this signature block, I encourage you to read some resources available [here](#)



From: Foxover.StephanP[OSC] <[REDACTED]>
Sent: Tuesday, 30 August 2022 11:04 AM

To: Cathie Allen <[REDACTED]>
Cc: Helen Gregg <[REDACTED]>; McCarthy.DuncanJ[OSC]
<[REDACTED]>
Subject: URGENT: New reporting process involving low quant samples

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Hi Cathie,

I am aware that recent changes have been made in relation to testing of samples in the concentration range of .001-.0088ng/uL. Advice was received from the Director General of Queensland Health that samples in this range would automatically undergo micro-concentration to 35uL before being further processed in an attempt to obtain a profile. The advice also included that if the testing was unsuccessful and further testing was required, the scientist would liaise with QPS to determine if there was a need to preserve the sample before another attempt was made.

We are now receiving tasks on the FR that include the following wording:

Hello, a DNA profile has been obtained from the linked crime scene sample. I am seeking approval for additional work to be undertaken on the sample, in an attempt to obtain a suitable DNA profile for interpretation. Please be advised if this additional work is approved, the DNA extract will be consumed. This means there will be no opportunity for further processing in this laboratory, or elsewhere if alternative technologies are under consideration. We understand that consultation with the Investigating Officer may be necessary and will await the outcome of those discussions. Once finalised, please advise via return Request/Task if the additional work is approved. If approval is not provided, the DNA profile obtained will be reported.

The relevant barcodes include:



Could you please advise if each of the above samples subject to this task have been through the process as described by the Director General (i.e. have been micro-concentrated and analysed).

We don't have sufficient information to make an informed decision on further testing. Could these (and future tasks) tasks please be amended to include the following information:

- The actual QuantTrio results
- Please indicate if the sample has already undergone micro-concentration and the volume produced
- The approximate volume remaining.
- A full description of the the actual profile already obtained.
- An indication (expert opinion) on the likelihood that further internal testing may provide additional probative information.
- A recommendation as to whether the sample may be better tested by an external service provider.

Finally, could you please ensure that these tasks are forwarded to the DNA Management Section in the first instance rather than investigators, forensic, or scientific officers.

Your urgent advice is sought on this matter please.

Regards



Stephan Foxover
Acting Inspector
Biometrics
Forensic Services Group
Operations Support Command

[Redacted]
[Redacted]
[Redacted]

GPO Box 1440, Brisbane QLD 4001,

[Redacted]
[Redacted]

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Foxover.StephanP[OSC]

From: Helen Gregg <[REDACTED]>
Sent: Friday, 2 September 2022 14:48
To: Lara Keller; Cathie Allen; Paula Brisotto; Justin Howes; Alison Slade
Cc: Foxover.StephanP[OSC]; McCarthy.DuncanJ[OSC]
Subject: FW: Requests for rework

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Hi Team,

Please see below from Duncan in response to my email to Stephan on Wednesday. Given that Lara has now returned I will leave this with you to manage

Regards
Helen



Helen Gregg
Quality Manager

Forensic and Scientific Services
Prevention Division, Queensland Health

p [REDACTED]
e [REDACTED] www.health.qld.gov.au/fss

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From: McCarthy.DuncanJ[OSC] <[REDACTED]>
Sent: Friday, 2 September 2022 2:13 PM
To: Helen Gregg <[REDACTED]>
Cc: Foxover.StephanP[OSC] <[REDACTED]>
Subject: RE: Requests for rework

This email originated from outside Queensland Health. DO NOT click on any links or open attachments unless you recognise the sender and know the content is safe.

Dear Helen,

I refer your below email addressed to Acting Inspector Foxover concerning the potential negative impacts of requesting further testing of samples originally reported as DNA Insufficient.

The QPS first raised concerns in November 2018 about the adequacy of testing of samples in the concentration range of .001—0088ng/uL (the range) and the risk that evidence was being missed as a result of the removal of the microconcentration step. Assurances were given at that time that the removal of the step was not an issue. Such

assurances were repeated in December 2021. These concerns are currently being assessed by the Commission of Inquiry.

As previously advised, the QPS has observed a success rate over 30% when further testing is undertaken of samples in the range. Based on the observed success rate, the QPS must now review samples originally reported as DNA insufficient to ensure that no probative evidence has been missed due to the removal of the auto-microconcentration stage by QHFSS. This is necessary to ensure appropriate justice outcomes for victims of crime.

There are a significant number of samples in the range that were not fully tested. Each of these samples were originally submitted because they were considered to be of probative value. It is expected that a large number of these untested samples will now be requested to be further processed. The QPS recognises the workload implications of the re-testing of such a large number of samples, and is currently triaging cases for the purposes of determining which samples ought be given priority. I understand that Inspector Foxover has requested that scientists provide additional information to assist in deciding on further testing which I trust will be beneficial and thank you in advance for the provision of this. The DNA Management Section will continue to authorise further testing requests.

Regardless of the triage measures adopted, it is expected that requests for further testing will dramatically increase the workload of QHFSS. It is critical to investigation of crime and the safety of the Queensland community that DNA results are provided in a timely manner. As a result, I am seeking advice from you on the strategies that your organisation might adopt to ensure turnaround times are not adversely impacted please.

Regards

Duncan

<p>Duncan McCarthy Acting Superintendent, Forensic Services Group, Queensland Police Service. Adjunct Fellow of the University of Queensland. Level 4, PHQ 200 Roma Street Brisbane, QLD 4000</p>	 <p>Our values are at the core of who we are and what we do each day</p>
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From: Helen Gregg <H. [REDACTED]>
Sent: Wednesday, 31 August 2022 09:19
To: Foxover.StephanP[OSC] <[REDACTED]>
Cc: Helen Gregg <[REDACTED]>
Subject: Requests for rework
Importance: High

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Good morning Stephan,

As you are aware, FSS has recently implemented changes in relation to testing of samples in the concentration range of .001-.0088ng/uL. Advice was received from the Director General of Queensland Health that samples in this range would automatically undergo micro-concentration to 35uL before being further processed in an attempt to obtain a profile. The advice also included that if the testing was unsuccessful and further testing was required, the scientist would liaise with QPS to determine if there was a need to preserve the sample before another attempt was made. *It also advised that if QPS approved of such further testing (where the sample would be exhausted), that QPS would provide this approval in writing.*

We are also receiving requests from QPS to conduct further testing, including requests to restart the testing of samples after a statement has already been released. For example, [REDACTED] is a case where a restart request was made after a statement and subpoena had already been provided/issued.

These reworks are additional analytical work as well as extra statement work as it require an addendum statement to be written and peer reviewed. This takes scientists away from other priority and BAU cases, and has a direct effect on already affected turnaround times.

To help ensure that these rework requests are being managed by QPS in consideration of your other priority submissions, could you please advise what process QPS has for requesting reworks on cases that have already been reported? For these requests, could the following information please be included;

- Authorising officer
- An acknowledgement that the Addendum statement requirement will require a 4 week timeframe after reporting of the additional result

While we are, of course, willing to conduct any additional testing appropriately authorised and requested by QPS, we wanted to draw your attention to the impacts such requests are having on TATs, and to provide you with timely feedback on the increased volume of rework requests currently being received.

Regards
Helen



Helen Gregg
A/Executive Director

Forensic and Scientific Services
Prevention Division, Queensland Health

p [redacted]
e [redacted] [w www.health.qld.gov.au/fss](http://www.health.qld.gov.au/fss)

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Foxover.StephanP[OSC]

From: Cathie Allen <C [REDACTED]>
Sent: Thursday, 1 September 2022 15:24
To: Foxover.StephanP[OSC]
Subject: RE: URGENT: New reporting process involving low quant samples

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Hi Steve

The workflow has been reverted to one that was used immediately prior to February 2018 as per DG advice. P1 workflow had not changed – and were automatically concentrated. Can you please confirm that authorisation is required prior to exhausting a sample for P1s.

P2 samples within the specified low quant range are being automatically concentrated to approx. 35uL, quantified and then amplified. This leaves approx. 15 – 18uL of available sample remaining.

Should further additional processing be required, QPS have requested that their authorisation is provided prior to exhausting all remaining sample volume, so contact will be made via Request / Task to 'FLU'. If written approval is provided, the sample may be amplified again (rework) which will likely exhaust the sample.

Samples processed between 6/6/22 and approx. 19/8/22 have been amplified without concentration. Between 6/6/22 and approx. 19/8/22, Forensic DNA Analysis scientists were able to request concentration of a P2 sample to occur, as a rework option. If the scientists have requested a 'concentration to approx 35uL', there may or may not be sample volume available (this would be dependant on how many further reworks were requested). If scientists have requested a 'concentration to full' during this period, the sample will be exhausted.

All samples which had initial quant values within the specified range that were processed during this period and have not yet been subjected to a concentration process will undertake that process – being a microcon concentration to 35µL. These samples will then go through the authorisation process prior to any sample volume being exhausted.

Cheers
Cathie



Cathie Allen BSc, MSc (Forensic Science) (She/Her*)
Managing Scientist

Social Chair, Organising Committee for 25th International Symposium of the Australian and New Zealand Forensic Science Society (ANZFSS), Brisbane, 11 – 15 Sept 2022

Police Services Stream, Forensic & Scientific Services
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From: Foxover.StephanP[OSC] <[REDACTED]>
Sent: Thursday, 1 September 2022 9:10 AM
To: Cathie Allen <[REDACTED]>
Subject: FW: URGENT: New reporting process involving low quant samples

This email originated from outside Queensland Health. DO NOT click on any links or open attachments unless you recognise the sender and know the content is safe.

Hi Cathie

Can you confirm the accuracy of my understanding of the process as :

1. P1 and P2 samples in the low quant range will be microconcentrated to a volume of about 35uL.
2. 15uL of the concentrate will then be analysed and the result reported.
3. If the result is suboptimal or analysis is unsuccessful, QHFSS will consult with QPS (DNA Management FLU) in relation to possible rework. If the sample is reworked the remainder of the extract will be consumed.

I understand that some samples (those tested between 6/6/22 and 19/8/22) in the low quant range may have already been fully tested without micro concentration. As a result there remains only one opportunity to test which will exhaust the extract.

Can you please let me know if this is correct.

Regards

Steve



Stephan Foxover
 Acting Inspector
 Biometrics
 Forensic Services Group
 Operations Support Command

[REDACTED]
 [REDACTED]
 [REDACTED]
 GPO Box 1440, Brisbane QLD 4001,
 Australia

From: Foxover.StephanP[OSC] <F[REDACTED]>
Sent: Wednesday, 31 August 2022 16:07
To: Cathie Allen <[REDACTED]>
Cc: Helen Gregg <[REDACTED]>; McCarthy.DuncanJ[OSC]
<[REDACTED]>; Justin Howes <J[REDACTED]>; Paula Brisotto
<[REDACTED]>; Neville.DavidH[OSC] <[REDACTED]>
Subject: RE: URGENT: New reporting process involving low quant samples

Hi Cathie,

Thanks, I really appreciate the quick response and solution, it will help us adjust to the recent changes in methodology.

Please send the request/task to FLU, staff there will advise on further testing as required. FLU staff will be guided by the information you provide and liaise with QPS stakeholders.

Regards

Steve



Stephan Foxover
Acting Inspector
Biometrics
Forensic Services Group
Operations Support Command
[REDACTED]
[REDACTED]

GPO Box 1440, Brisbane QLD 4001,
Australia
[REDACTED]

From: Cathie Allen <[REDACTED]>
Sent: Wednesday, 31 August 2022 15:46
To: Foxover.StephanP[OSC] <[REDACTED]>
Cc: Subject: RE: URGENT: New reporting process involving low quant samples

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Hi Stephan

Thanks for your email with feedback on a new process.

I've worked with Helen Gregg, Paula Brisotto and Justin Howes and we've devised a workflow that will include the below dot points. We will implement this new workflow from here forward, and will add the additional information for the barcodes listed below.

Could you please confirm that the Request / Task should be directed to Results Management Team (RMT) of QPS DNA Unit? We just want to ensure that it goes to the right team.

Cheers
Cathie



Cathie Allen BSc, MSc (Forensic Science) (She/Her*)
Managing Scientist

Social Chair, Organising Committee for 25th International Symposium of the Australian and New Zealand Forensic Science Society (ANZFSS), Brisbane, 11 – 15 Sept 2022

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From: Foxover.StephanP[OSC] <[REDACTED]>
Sent: Tuesday, 30 August 2022 11:04 AM
To: Cathie Allen <[REDACTED]>
Cc: Helen Gregg <[REDACTED]>; McCarthy.DuncanJ[OSC]
<[REDACTED]>
Subject: URGENT: New reporting process involving low quant samples

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Hi Cathie,

I am aware that recent changes have been made in relation to testing of samples in the concentration range of .001-.0088ng/uL. Advice was received from the Director General of Queensland Health that samples in this range would automatically undergo micro-concentration to 35uL before being further processed in an attempt to obtain a profile. The advice also included that if the testing was unsuccessful and further testing was required, the scientist would liaise with QPS to determine if there was a need to preserve the sample before another attempt was made.

We are now receiving tasks on the FR that include the following wording:

Hello, a DNA profile has been obtained from the linked crime scene sample. I am seeking approval for additional work to be undertaken on the sample, in an attempt to obtain a suitable DNA profile for interpretation. Please be advised if this additional work is approved, the DNA extract will be consumed. This means there will be no opportunity for further processing in this laboratory, or elsewhere if alternative technologies are under consideration. We understand that consultation with the Investigating Officer may be necessary and will await the outcome of those discussions. Once finalised, please advise via return Request/Task if the additional work is approved. If approval is not provided, the DNA profile obtained will be reported.

The relevant barcodes include:



Could you please advise if each of the above samples subject to this task have been through the process as described by the Director General (i.e. have been micro-concentrated and analysed).

We don't have sufficient information to make an informed decision on further testing. Could these (and future tasks) tasks please be amended to include the following information:

- The actual QuantTrio results
- Please indicate if the sample has already undergone micro-concentration and the volume produced
- The approximate volume remaining.
- A full description of the the actual profile already obtained.
- An indication (expert opinion) on the likelihood that further internal testing may provide additional probative information.
- A recommendation as to whether the sample may be better tested by an external service provider.

Finally, could you please ensure that these tasks are forwarded to the DNA Management Section in the first instance rather than investigators, forensic, or scientific officers.

Your urgent advice is sought on this matter please.

Regards



Stephan Foxover
 Acting Inspector
 Biometrics
 Forensic Services Group
 Operations Support Command

[REDACTED]
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 [REDACTED]
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