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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

### FURTHER STATEMENT OF DARREN JOHN POBAR

I, Darren John Pobar, 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 9'** is a copy of that notice.

### Background

- I am the Forensic Manager of the Scientific Section in the Forensic Services Group (FSG) of the Queensland Police Service (QPS) which is based at Police Headquarters (PHQ) at 200 Roma Street, Brisbane.
- 2. I am the holder of the following tertiary qualifications:
  - Bachelor of Applied Science Medical Laboratory Science from Queensland University of Technology in 1987;
  - (b) Masters of Science Forensic Science from Griffith University in 1996; and
  - (c) Masters of Business Administration from the University of Southern Qld in 2005.
- I was sworn into the QPS in 1990 as a Constable of Police. Whilst working for the QPS I have held the following positions:
  - (a) Between 1990 and 2001, I worked in the Major Crime Unit (previously the Physical Evidence Unit), Scientific Section at PHQ. During that time, I progressed in rank from Constable to Senior Constable and then Sergeant of Police;
  - (b) Between 2001 and 2007, I was promoted and worked in roles as a Senior Sergeant in the Major Crime Unit (previously the Physical Evidence Unit) and Senior Sergeant in Quality and Training, Scientific Section, PHQ;

(c) Between 2007 and 2013, I was promoted and worked as an Inspector of Police as
 the Regional Forensic Services Coordinator for the Metropolities Coordinator for the Metropolities (Coordinator for the Metropolities)

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Darren John Pobar

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based at Upper Mt Gravatt;

- (d) Between 2013 and 2016, I worked as an Inspector of Police as the State Forensic Services Coordinator based at PHQ where my central function role was responsibility for the Forensic Services Group staff in Southern, Northern and Far Northern Regions;
- (e) Since 2016, I have worked as an Inspector of Police in the Scientific Section located at PHQ.

### **Acting Superintendent**

4. Between 1 January 2020 and 7 September 2022, I relieved as Acting Superintendent for two periods from 11-18 April 2022 and 8 July – 24 July 2022.

#### June 2022 - August 2022

- 5. On the 15 July 2022 I met with Acting Assistant Commissioner Marcus Hill and Inspector David Neville to discuss a concern by David Neville that a new processing protocol may affect turn around times. It was determined an email would be sent to Acting Executive Director Helen Gregg seeking clarification on the protocol.
- Later on 15 July 2022 Inspector David Neville emailed me a copy of a report authored by Cathie Allen, Justin Howes and Paula Brisotto titled, Assessment of Low Quantification Value DNA Samples dated 21 June 2022. Copy of email attached and marked 'Exhibit 10'.
- 7. Later on 15 July 2022 an email was sent to Helen Gregg acknowledging receipt of the new report and sought clarity and advice from QHFSS on their new low quant processes and how that would affect backlogs. Copy attached and marked **'Exhibit 11'**.
- 8. On 20 July 2022 I was contacted by Inspector David Neville who raised a concern that all samples in the low concentration range were being processed without any microconcentration step. Whilst I do not recall specific details of the brief conversation, Inspector Neville requested I clarify with Helen Gregg whether there was a microconcentration step taking place for samples in the lower range.
- 9. As a result of the discussion with Inspector Neville I sent a follow up email to Helen Gregg seeking clarification on the testing process that some samples in the low range

Darren John Pobar

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are being processed without microconcentration. Copy of email attached and marked 'Exhibit 12'.

- 10. On 20 July 2022 I received an email from Helen Gregg including the following statements: '*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' and further in the email, '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'. A copy of this email is attached and marked 'Exhibit 13'.*
- 11. On 25 July 2022 I handed the Superintendent role over to Inspector Duncan McCarthy and had no more communication with QHFSS and returned to my normal role.
- In relation to 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/µL and 0.0088 ng/µL, I had no involvement in the decision, any knowledge of who made the decision and when it was made or the basis for the decision.
- 13. My understanding of which samples were being concentrated following the 6 June 2022 process change was limited and varied over time. Initially, I believed all samples were being microconcentrated based on media reports. After discussions with Inspector
  - David Neville, I suspected some may not be getting concentrated. Finally, as a result of the email from Helen Gregg, I believed a determination was being made case by case by QHFSS staff based on context.



### 4

### Decision on 19 August 2022

14. In relation to a decision made on or about 19 August 2022, relating to a process change in the QHFSS DNA Analysis Unit, I had no involvement in the decision or any knowledge of who made the decision and when it was made or the basis for the decision.

# **TAKEN AND DECLARED** before me at Brisbane in the State of Queensland this 15 day of September 2022





In the matter of the *Commissions of Inquiry Act 1950* Commissions of Inquiry Order (No. 60) 2022 Commission of Inquiry into Forensic DNA Testing in Queensland



### STATEMENT OF DARREN JOHN POBAR INDEX TO EXHIBITS

Exhibit no.	Description
9.	Notice number 2022/00147 – Requirement to give information in a written statement, Darren Pobar – dated 07/09/2022
10.	Email from David Neville (QPS) to Darren Pobar (QPS) – dated 15/07/2022
11.	Email from Darren Pobar (QPS) to Helen Gregg (QHFSS) – dated 15/07/2022
12.	Email from Darren Pobar (QPS) to Helen Gregg (QHFSS) – dated 20/07/2022
13.	Email from Helen Gregg (QHFSS) to Darren Pobar (QPS) – dated 20/07/2022

EXHIBIT 9

### Notice number: 2022/ 00147

### 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: Darren Pobar

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 , 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	
Walter Sofronoff QC Commissioner					

Commission of Inquiry into Forensic DNA Testing in Queensland

Notice 2022/ 〇〇 년국7 Schedule of topics for statement Darren Pobar

### 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 Superintendent**

3. Outline all periods in which you acted in the position of Superintendent of the Forensic Services Group between 1 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/µL and 0.0088ng/µL), and
  - c. Turn Around Times (TAT).
- 5. What involvement, if any, did you have in a 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/uL and 0.0088 ng/uL? 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 about or reconsideration of the decision of6 June 2022 that occurred between 6 June 2022 and 19 August 2022 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.

**EXHIBIT 10** 

From:	Neville.DavidH[OSC]
Sent:	Friday, 15 July 2022 11:00
То:	Pobar.DarrenJ[OSC]
Subject:	FW: Assessment of low quantification value DNA samples
Attachments:	Assessment of Low Quant DNA Samples_June 2022.pdf

#### Darren Can I suggest

Dear Helen

Thanks for providing the attached report on your organisation's assessment of the low quant DNA samples. It was very helpful and I note that the success rate 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 meet with you to discuss the options in the near future.

I understand that Health Minister announced on 30 May 2022 that the .0088ng/uL has been removed and that all samples are now processed as a matter of routine. I am seeking advice on what the process is now for testing low quant samples and how this might impact on turnaround times. If this presents as risk of a unacceptable backlog occurring, could you also advise of what strategies are in place to mitigate this please. This information will assist us greatly in assessing the option presented in the attached report.

Thanks again for providing the report and I look forward to receiving your advice

From: Lara Keller
Sent: Friday, 24 June 2022 09:17
To: McNab.BruceJ[OSC] <
Subject: Assessment of low quantification value DNA 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.

Good morning Bruce

Kindly find attached follow up paper regarding DNA quantification values.

Thanks and Kind Regards Lara



Lara Keller B App Sc (MLS), Grad Cert Health Mgt, MAIMS, CMgr FIML A/Executive Director

Forensic and Scientific Services Prevention Division, Queensland Health Road, Coopers Plains, QLD, 4108 ww.health.gld.gov.au/fss

Queensland Health acknowledges the Traditional Owners of the land, and pays respect to Elders past, present and emerging.

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Queensland Health carries out monitoring, scanning and blocking of emails and attachments sent from or to addresses within Queensland Health for the purposes of operating, protecting, maintaining and ensuring appropriate use of its computer network.

## Assessment of Low Quantification Value DNA Samples

### Authors: Cathie Allen, Justin Howes and Paula Brisotto 21 June 2022

### Background:

The Queensland Police Service (QPS) implemented a new service model in July 2008, which saw Forensic Officers taking the lead and responsibility for sample selection, examination of some items and case review of forensic results. This change also saw a reduction in case details and case context being supplied to Forensic and Scientific Services (QHFSS). Provision of scientific information to process a sample for DNA profiling remained unchanged. Under this framework, an Options paper was provided to the Superintendent for Forensic Services Group in February 2018 regarding an assessment undertaken to evaluate samples with low quantitation values and subsequent concentration and the DNA profile obtained. The Options paper detailed the assessment of 1449 samples. The QPS selected the option of not DNA profiling samples within a low quantitation range, as a triaging process, and information would be provided electronically on QPRIME (via the Forensic Register) regarding additional work that could be undertaken if requested.

### **Executive Briefing:**

An assessment of all casework DNA samples, with the following criteria was conducted: an initial quantification result of between  $0ng/\mu L$  and  $0.0088ng/\mu L$ , underwent a concentration process and reported results issued between 2018 and 2021. This equated to an assessment of 650 DNA samples. The reported DNA result, which may have been completed after one or more amplifications processes, was categorised into two broad categories - 'suitable for comparison purposes' or 'unsuitable for comparison purposes'.



165 DNA samples (25.4%) were categorised as 'suitable for comparison purposes', with most of these samples being major crime samples. 485 DNA samples (74.6%) were categorised as 'unsuitable for comparison purposes' after concentration and amplification processes.

Of the 165 DNA samples categorised as 'suitable for comparison purposes', 41 DNA samples were able to yield a profile suitable for uploading and searching of the National Criminal Investigation DNA Database (NCIDD). This represents 6.3% of total samples selected for processing. This figure is not unexpected as this assessment was based on samples that were actively selected for further processing, determined by either the QPS, QHFSS staff or both organisations using a collaborative approach. This assessment also includes volume crime samples, whereas the previous assessment did not include these samples.





Please note the current dataset is different to the previous dataset due to, but not limited to:

- implementation of the statistical interpretation of four-person mixtures (contributes to 5.5% of the total samples deemed 'suitable for comparison purposes in this dataset),
- all DNA samples were selected in this dataset (the previously assessed dataset only included DNA samples assigned to Major Crime cases),
- active selection of samples for processing by either the QPS or Forensic DNA Analysis staff
  members based on the context of the case or scientific knowledge with respect to the
  associated parameters from the quantification process,
- if any new instrumentation or consumables were implemented by either the QPS or QHFSS over that period.

Forensic DNA Analysis staff are mindful of consuming all DNA extract when requesting a concentration step. Technologies available in other jurisdictions or future technologies may be applied to DNA extracts, however if all DNA extract has been exhausted through concentration and amplifications processes, no (or very limited) extract will be available for these technologies or for Defence to request external testing. Forensic DNA Analysis staff have limited scope of the case context and other forensic results for the case.

### Observations:

Review of quantitation parameters, other than quantitation value, did not identify a discernible trend, however further monitoring of these parameters will continue.

The value of 0.0088ng/µL is based on assessment of the data (and equates to 132 picograms). Validation studies conducted within the laboratory has shown that stochastic effects become apparent from DNA templates below 0.132 ng (132 picograms) making interpretation of the resultant DNA profile more complex.

If a value of  $0.0067 ng/\mu L$  (equating to 100 picograms) is chosen as the threshold for this triage process, DNA samples with a value of between  $0.0067 ng/\mu L$  and  $0.0088 ng/\mu L$  will not be subjected to a concentration step, which may affect the resulting DNA profile.

It was not unexpected that as the quantitation value increases, the ability to yield suitable profiles for interpretation improved.



### **Options for Consideration:**

- 1. Continue with the current workflow:
  - a) Priority 1 samples continue to be automatically concentrated prior to amplification if the sample falls into the quantitation range of 0.001ng/µL to 0.0088 ng/µL
  - b) Priority 2 and Priority 3 samples are reported as 'DNA Insufficient for Further Processing' if the sample falls into the quantitation range of 0.001 ng/µL to 0.0088 ng/µL (132 picograms) and process upon request by either the QPS or Forensic DNA Analysis staff members. Continue to retain the DNA extract indefinitely, if no request is received.
- 2. Amend the workflow:
  - a) Priority 1 samples continue to be automatically concentrated prior to amplification if the sample falls into the quantitation range of 0.001ng/µL to 0.0088 ng/µL
  - b) Priority 2 and Priority 3 samples are reported as 'DNA Insufficient for Further Processing' if the DNA sample falls into the quantitation range of 0.001 ng/µL to a newly determined value and process upon request by either the QPS or Forensic DNA Analysis staff members. If requested, the process would include concentration of the DNA sample prior to amplification. Continue to retain the DNA extract indefinitely, if no request is received. DNA samples with a quantitation value of above a newly determined value will be processed as per routine and will not be subject to a concentration process.
  - c) The reasoning for a newly determined quantitation value will be agreed upon and documented, including risks.
  - d) This amended workflow will require Forensic Register enhancement prior to use.
- 3. Amend the workflow:
  - a) Priority 1 samples continue to be automatically concentrated prior to amplification if the sample falls into the quantitation range of 0.001 mg/µL to 0.0088 mg/µL
  - b) All priority 2 samples that fall into the quantitation range of either 0.001ng/µL to 0.0088ng/µL or 0.001ng/µL to the newly determined value will be concentrated prior to amplification.
  - c) Priority 3 samples that fall into the quantitation range of either 0.001ng/μL to 0.0088 ng/μL or 0.001ng/μL to the newly determined value will be amplified without a concentration step.
  - d) This amended workflow will require Forensic Register enhancement prior to use.
- 4. Amend the workflow:
  - a) Priority 1 samples continue to undergo a concentration step prior to amplification if the sample falls into the quantification range of 0.001ng/µL to 0.0088 ng/µL.
  - b) Amplify, without concentration, all Priority 2 and 3 samples above 0.001ng/µL value.

### Next Steps:

QHFSS will meet with the QPS representatives to discuss the options provided and discuss risks and implications to reach a collaborative decision on the path forward.



**EXHIBIT 11** 

From:	Pobar.DarrenJ[OSC]
Sent:	Friday, 15 July 2022 12:00
То:	
Subject:	Assessment of low quant DNA samples report
Attachments:	Assessment of Low Quant DNA Samples_June 2022.pdf

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

200 Roma Street Brisbane



### Assessment of Low Quantification Value DNA Samples

### Authors: Cathie Allen, Justin Howes and Paula Brisotto 21 June 2022

### Background:

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### **Executive Briefing:**

An assessment of all casework DNA samples, with the following criteria was conducted: an initial quantification result of between  $0ng/\mu L$  and  $0.0088ng/\mu L$ , underwent a concentration process and reported results issued between 2018 and 2021. This equated to an assessment of 650 DNA samples. The reported DNA result, which may have been completed after one or more amplifications processes, was categorised into two broad categories - 'suitable for comparison purposes' or 'unsuitable for comparison purposes'.



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### Observations:

Review of quantitation parameters, other than quantitation value, did not identify a discernible trend, however further monitoring of these parameters will continue.

The value of 0.0088ng/µL is based on assessment of the data (and equates to 132 picograms). Validation studies conducted within the laboratory has shown that stochastic effects become apparent from DNA templates below 0.132 ng (132 picograms) making interpretation of the resultant DNA profile more complex.

If a value of  $0.0067 ng/\mu L$  (equating to 100 picograms) is chosen as the threshold for this triage process, DNA samples with a value of between  $0.0067 ng/\mu L$  and  $0.0088 ng/\mu L$  will not be subjected to a concentration step, which may affect the resulting DNA profile.

It was not unexpected that as the quantitation value increases, the ability to yield suitable profiles for interpretation improved.



### **Options for Consideration:**

- 1. Continue with the current workflow:
  - a) Priority 1 samples continue to be automatically concentrated prior to amplification if the sample falls into the quantitation range of 0.001ng/µL to 0.0088 ng/µL
  - b) Priority 2 and Priority 3 samples are reported as 'DNA Insufficient for Further Processing' if the sample falls into the quantitation range of 0.001 ng/µL to 0.0088 ng/µL (132 picograms) and process upon request by either the QPS or Forensic DNA Analysis staff members. Continue to retain the DNA extract indefinitely, if no request is received.
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  - c) Priority 3 samples that fall into the quantitation range of either 0.001ng/μL to 0.0088 ng/μL or 0.001ng/μL to the newly determined value will be amplified without a concentration step.
  - d) This amended workflow will require Forensic Register enhancement prior to use.
- 4. Amend the workflow:
  - a) Priority 1 samples continue to undergo a concentration step prior to amplification if the sample falls into the quantification range of 0.001ng/µL to 0.0088 ng/µL.
  - b) Amplify, without concentration, all Priority 2 and 3 samples above 0.001ng/µL value.

### Next Steps:

QHFSS will meet with the QPS representatives to discuss the options provided and discuss risks and implications to reach a collaborative decision on the path forward.



EXHIBIT 12

From:	Pobar.DarrenJ[OSC]
Sent:	Wednesdav, 20 July 2022 09:51
То:	
Subject:	Further clarification previous email: Assessment of low quant DNA samples report

### 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

200 Roma Street Brisbane



 From: Pobar.DarrenJ[OSC]

 Sent: Friday, 15 July 2022 12:00

 To:

 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

200 Roma Street Brisbane



From:	Helen Gregg
Sent:	Wednesday, 20 July 2022 12:36
То:	Pobar.DarrenJ[OSC]
Subject:	RE: Further clarification previous email: Assessment of low quant DNA samples report
Attachments:	FSS advice regarding DNA reporting

**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]
Sent: Wednesday, 20 July 2022 9:51 AM
To: Helen Gregg

Subject: Further clarification previous email: Assessment 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

200 Roma Street Brisbane



From: Pobar.DarrenJ[OSC] Sent: Friday, 15 July 2022 12:00 To: 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

200 Roma Street Brisbane



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From:	Lara Keller
Sent:	Tuesday, 21 June 2022 12:12
То:	McNab.BruceJ[OSC]
Cc:	Cathie Allen
Subject:	FSS advice regarding DNA reporting

Good afternoon Bruce

On Monday, 6<sup>th</sup> of June 2022, the Premier announced a Commission of Inquiry into Forensic DNA Testing in Queensland. The Premier also announced that, moving forward, samples that fall into the category of 'DNA insufficient for further processing samples' would be profiled.

On the 6<sup>th</sup> of June, the Forensic Register was amended to ensure that all crime scene samples with a quantitation value above 0.001ng/uL are amplified and results provided electronically to the QPS.

I would appreciate if you could circulate this advice to your QPS colleagues.

Thanks and Kind Regards Lara



Lara Keller B App Sc (MLS), Grad Cert Health Mgt, MAIMS, CMgr FIML A/Executive Director

Forensic and Scientific Services Prevention Division, Queensland Health

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