

- (a) *Thresholds used by the DNA Analysis Unit for determining what testing and processing would be applied to samples (for example, thresholds for reporting “No DNA detected” or “insufficient DNA for further processing”);*
 - (b) *The Queensland Police Service submission in response to the Women’s Safety and Justice Taskforce Discussion Paper 3 regarding the overall success rate of obtaining a useable profile when they requested re-testing of samples reported as “DNA insufficient for further processing”;*
 - (c) *The processing and reporting of results in the case involving the murder of [REDACTED];*
 - (d) *Any matter raised by the [REDACTED]’s podcast “[REDACTED] Story” or other media discussion regarding forensic DNA testing in Queensland.*
6. In February 2022, I was involved in assisting A/EDFSS Lara Keller in providing clarification of material published in an Options Paper in 2018, and in providing to Ms Keller some thoughts on matters raised in correspondence from Queensland Police Service (QPS) Inspector Neville relating to data presented in the paper (JH-1 to JH-3). I recall that on 3 June 2022, via telephone, Managing Scientist Cathie Allen informed me that it was likely that the processing thresholds were going to be removed and that she and A/EDFSS Lara Keller were preparing options on processing.
7. On 6 June 2022, I forwarded information to Senior Scientists relating to a new workflow that was to be implemented from that date in response to an announcement from the Premier. The information was contained in email correspondence from Team Leader Paula Brisotto in which she had forwarded an email from Senior Scientist Luke Ryan, in which he had written to his staff about a technical/processing component within the Forensic Register (JH-4 and JH-5). On the same date, I attended a meeting in Block 6 Forensic and Scientific Services, with A/EDFSS Lara Keller and available staff that was convened in response to the media conference of that day during which the Premier had announced the removal of the processing threshold. While all staff were invited (JH-122), I cannot recall who was physically in attendance at the meeting. At the meeting, I recall A/EDFSS Lara Keller informing the staff of the decision of the

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Premier to remove the processing threshold and Ms Keller also reminded staff that there was EAS (Employee Assistance Scheme) assistance if staff required it.

8. Regarding the QPS submission in response to the Women's Safety and Justice Taskforce Discussion Paper, I was provided an excerpt from the submission, and a link to the relevant section available on the internet, in an email from Cathie Allen on 1 June 2022 (JH-6). I have not seen the source data from which any submission appears to have been based on, nor have I been part of any other discussions relating to this taskforce.
9. I was not involved in the processing or reporting of results in the case involving the murder of Shandee Blackburn in the period November 2021 – 6 June 2022. My involvement with this matter during this period was confined to liaising with QPS on sample queries eg. volumes of extracts, preparation of samples for external transfer and testing (JH-7 to JH-22).
10. I was also involved in a meeting with Nicola Lord, a lawyer from Qld Health Legal Branch on 3 June 2022, which was to describe the general processes that are conducted in Forensic DNA Analysis and specifically, within the matter relating to [REDACTED]. The purpose of this meeting was to assist in the preparation of a letter that was eventually submitted to the Central Coroner in late June 2022.
11. In response to the media attention, in November 2021, I was involved in assisting the A/EDFSS Lara Keller and General Manager (PQ and FSS) Brett Bricknell in preparing general notes on the technical work involved at Forensic DNA Analysis, and in the preparation of a Briefing Note for the Director-General QLD Health Dr John Wakefield (JH-23 to JH-27). I was called upon to assist because, at that time, I was performing Higher Duties at the time as A/Managing Scientist Police Services Stream. Around this time, I was also involved in sharing information with QPS Inspector David Neville on events in the media. Inspector Neville and I had email correspondence in which we shared words that had been used to brief line management in our respective departments. I also wrote of my appreciation for the kind words stated by Inspector Neville that I had shared with the whole Forensic DNA Analysis team, especially where

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he had emailed me, and carbon-copied A/EDFSS Lara Keller and Managing Scientist Cathie Allen (JH-30):

'QHFSS has provided and continues to deliver high quality DNA testing services to the QPS'

Inspector Neville also emailed a journal article by Dr Matthew Krosch in which he stated the article 'shows your efficacy is similar to other jurisdictions' (JH-33).

Question 2

What involvement, if any, did you have in two decisions made on or about 6 June 2022, or consideration leading to those decisions, namely:

- (a) *that the threshold for reporting samples as "DNA insufficient for further processing" be removed, and samples in the range 0.001 ng/ μ L - 0.0088 ng/ μ L (range) be processed; and*
- (b) *that some or all new samples in the range 0.001-0.0088 ng/ μ L will go directly for amplification rather than for concentration?*

Question 3

Explain your involvement in detail, with reference to material and information you had access to in relation to the decisions, meetings, discussions or correspondence in relation to the decisions, and others' contribution to the decisions. Include in your answer your understanding of:

- (a) *Who made the decisions;*
- (b) *When the decisions were made;*
- (c) *The reasons for each decision;*
- (d) *The material or information on which the decisions were based;*
- (e) *The meetings, discussions or correspondence in relation to each decision;*



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- (f) *What consultation or communication was undertaken with or to staff in the forensic DNA laboratory, before or after each decisions;*
- (g) *what consultation or communication was undertaken with or to the Queensland Police Service, before or after the decisions.*
12. I recall that, on 3 June 2022, via telephone, Managing Scientist Cathie Allen informed me that it was likely that the processing thresholds were going to be removed.
13. On 6 June 2022, I forwarded information to Senior Scientists relating to a new workflow that was to be implemented from that date in response to an announcement from the Premier. The information was contained in email correspondence from Team Leader Paula Brisotto in which she had forwarded an email from Senior Scientist Luke Ryan, in which he had written to his staff about a technical/processing component within the Forensic Register (**JH-4 and JH-5**). On the same date, I attended a meeting in Block 6 Forensic and Scientific Services with A/EDFSS Lara Keller and available staff that was convened in response to the media conference of that day during which the Premier had announced the removal of the processing threshold.
14. Therefore, as far as I am aware, the decision to remove the processing threshold was made by the Queensland Premier. I did not have any involvement in making the decision to remove the threshold nor in the process that the lab ended up using, that being to amplify all samples in the range (0.001ng/uL to 0.0088ng/uL).
15. On 7 June 2022, I added comments to Standard Operating Procedure (SOP) 33773v3, 17117v21 and 34006v3 with the following words:

Workflow arrangements for samples as of 6 June, 2022:

- samples will not have DIFP added to results in the quant range 0.001-0.0088ng/uL. These will be amplified after Quant. This applies to P2 and P3 samples.*
- case managers can assess samples for rework which could include a microcon after the first amplification. This does not apply to P3 samples which are processed without rework as per standard workflow arrangements.*
- samples currently reported as DIFP that are requested to be restarted by QPS will undergo a microcon procedure.*
- no change to the P1 workflow where samples in the quant range 0.001-0.0088ng/uL will undergo a microcon prior to amplification.*

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16. I was not involved in making the decision for samples to go directly to amplification rather than for concentration and therefore do not know what material the decisions were based upon. However, I do recall a telephone conversation with Cathie Allen in which I double-checked the process of amplifying samples with her. I believe this was after A/EDFSS Lara Keller addressed staff on 6 June 2022. I recall also verbally checking with Team Leader Paula Brisotto, who also confirmed the process that we were implementing was to amplify samples in the range without prior concentration.
17. It is my understanding that the Premier made a decision on the removal of the threshold, which, I understand from media reports, was in the presence of the Minister for Health. I understand this to have been on 6 June 2022. It is my assumption that the decisions for the workflow that was implemented were advised by one, or both, of A/EDFSS Lara Keller and Managing Scientist Cathie Allen. I am not aware of staff members consulted on the threshold removal decision, nor the processing decision. I was not involved in communications with QPS on this matter and am not aware of any discussions or communications with QPS on the decision to amplify samples in the range 0.001ng/uL to 0.0088ng/uL. My role was to assist with the implementation of the workflow decided by other parties.

Question 4

If you had no involvement in the decisions made on or about 6 June 2022, or consideration leading to that decision, what is your understanding, and explain the basis for your understanding, of the following:

- (a) *Who made those decisions;*
- (b) *When those decisions were made;*
- (c) *The reasons for each decision;*
- (d) *The material or information on which each decision was based;*

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- (e) *The meetings, discussions or correspondence in relation to each decision;*
- (f) *What consultation or communication was undertaken with or to staff in the forensic DNA laboratory, before or after each decision;*
- (g) *what consultation or communication was undertaken with or to the Queensland Police Service, before or after each decision.*

18. As I had some minor involvement in implementing the decision, being present for communication with staff by A/EDFSS Lara Keller, and had added comments to relevant SOPs, I have provided my response within paragraphs 12 to 157 ¹⁷ JH 16/8/2022

Question 5

Explain any discussion about or reconsideration of the decisions of 6 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.*
19. I was involved in assisting A/EDFSS Helen Gregg, Principal Advisor Alison Slade and Team Leader Paula Brisotto in checking the wording of a draft memo to be issued by the A/DG David Rosengren. The wording related to the reinstating of an automatic concentration step prior to amplification for low level Major Crime samples. I understood, from an MS Teams meeting with QH Legal member Megan Fairweather, A/EDFSS Helen Gregg, Cathie Allen and Paula Brisotto on 19 August (JH-120) that the intent of the memo was to explain the process to return to the process that was active immediately prior to the implementation of the process following the Options Paper; my involvement was to check that the process written by the A/DG was based on the SOPs that were current at the time (ie. pre-Options Paper) in 2018.

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20. At around the same time, I assisted the A/EDFSS Helen Gregg, Principal Advisor Alison Slade, Managing Scientist Cathie Allen and Team Leader Paula Brisotto in advising on volume of DNA extract remaining after concentration. The advice I provided related to volume and testing that could be performed in external facilities. Part of these conversations included Megan Fairweather from Qld Health Legal Branch (JH-35 to JH-42).
21. I was involved in writing an email to staff performing DNA profile interpretations, which I had previously sent to Helen Gregg, Alison Slade, Cathie Allen and Paula Brisotto to ensure we were on the same page with the information to go to staff, and what had to be added to relevant SOPs (JH-43 to JH-45).

Question 6

What involvement, if any, did you have in a decision made on or about 19 August 2022, or consideration leading to that decision, to determine the process to be followed for Priority 1 or 2 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. 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 decisions made on 6 June 2022;*
- (e) *The material or information on which the decision was based;*
- (f) *The meetings, discussions or correspondence in relation to the decision;*
- (g) *What consultation or communication was undertaken with or to staff in the forensic DNA laboratory, before or after the decision;*

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(h) *what consultation or communication was undertaken with or to the Queensland Police Service, before or after the decision.*

22. I had minor involvement in the implementation of a decision made by the A/DG David Rosengren as written in his memo to staff in Forensic DNA Analysis (JH-39). My involvement is described in paragraphs 19 to 21. I was not directly involved in communicating with QPS on the decision.

Question 7

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 decisions made on 6 June 2022;*
- (e) *The material or information on which the decision was based;*
- (f) *The meetings, discussions or correspondence in relation to the decision;*
- (g) *What consultation or communication was undertaken with or to staff in the forensic DNA laboratory, before or after the decision;*
- (h) *what consultation or communication was undertaken with or to the Queensland Police Service, before or after the decision.*

23. I had minor involvement, as described in paragraphs 19 to 21 above. Further, I understand that the A/DG Health had wanted to issue a memo to staff to reinstate the process that was current immediately prior to the decision on 6 June 2022 to remove the processing threshold. Leading to the memo, there was consultation with members

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of staff as per paragraphs 19 and 20. I understand from discussions with A/EDFSS Helen Gregg at that time, that the QPS were consulted because as I understood it, it was their desire not to exhaust their samples (through multiple processing) unless consultation with them occurred. I understand consultation with the New Zealand Forensic laboratory occurred to enquire on volume of DNA extract required for their processes, with the view that if DNA extract was to be conserved, how much would be needed for their specialised services (JH-40). Following the memo issued by the A/DG, there were two meetings held by A/EDFSS Helen Gregg that were organised to answer questions and to clarify and confirm the new process, that being the reinstatement of an automatic-concentration step for samples had quantification results in the range 0.001ng/uL to 0.0088ng/uL (JH-123 and JH-124). I know consultation via email occurred with QPS, between Cathie Allen and A/Inspector Stephan Foxover (JH-125) that focussed on the logistics and further information required by QPS in implementing the new workflow.

Reporting of "insufficient DNA" results in the Forensic Register

Question 8

Explain how samples with a quantitation value between 0.001 ng/μL and 0.0088 ng/μL have been reported in the Forensic Register since early 2018 (after the implementation of the "Options Paper").

24. The exhibit result line wording for samples in the range 0.001 ng/μL and 0.0088 ng/μL were first devised and implemented in late 2012/ early 2013 (JH-46). The expanded comment wording, which is agreed wording between QPS and FSS to explain exhibit result lines used to describe results in the Forensic Register was:

This item/sample was submitted for DNA analysis; however the amount of DNA detected at the quantitation stage indicated the sample was insufficient for further processing (due to the limitations of current analytical and



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interpretational techniques). No further processing was conducted on this item. Please contact DNA Analysis if further information is required.

25. After the implementation of the Options Paper, in 2018, the exhibit result line (DIFP-DNA Insufficient for Further Processing) created in 2012/2013 was used within the new workflow. The expanded comment wording was edited by QPS to be (**JH-47, JH-48**):

This item/sample was submitted for DNA analysis. Low levels of DNA were detected in this sample and it was not submitted for further DNA profiling. Please contact the DNA Management Section if this sample is requested to be assessed for further processing via QPRIME task to Unit Code 3209.

26. Further collaboration with QPS followed in late 2018, which resulted in further updates to expanded comments for results, one of which included further words to describe the result line of 'DIFP - DNA Insufficient for Further Processing'. Through the collaborative effort with QPS on revising exhibit result lines, I suggested wording to assist the process if QPS Investigators contacted QPS DNA Management and sought feedback from Team Leader Paula Brisotto, Senior Scientists Sharon Johnstone and Kylie Rika (**JH-49 to JH-64**):

This item/sample was submitted for DNA analysis. Low levels of DNA were detected in this sample and it was not submitted for further DNA profiling. Please contact the DNA Management Section if this sample is requested to be assessed for further processing. Further processing could include concentration of the low levels of DNA obtained, pooling with other samples (where appropriate), resampling of the parent item (where appropriate), or a combination of processes.

27. My understanding is that this is the current information in the Forensic Register for the result line 'DIFP - DNA Insufficient for Further Processing' as confirmed by bdna (the providers of the Forensic Register) on 11 August 2022 (**JH-65**). Subsequently, this wording was cross-checked with the SOP 34229v3 and a comment was added to edit


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the wording in the next version (**JH-66**). It appears this SOP (34229) had not been updated with the current exhibit result line.

Question 9

Explain how that wording came to be used, including:

- (a) *Who directed or suggested the wording;*
 - (b) *Who wrote the wording;*
 - (c) *Who authorised the wording;*
 - (d) *Your involvement in directing, suggesting, writing or authorising the wording;*
 - (e) *The reasons for directing, suggesting, including, writing or authorising the wording.*
28. The wording for 'DIFP – DNA Insufficient for Further Processing' originated at the time of the implementation of the Powerplex 21 amplification kit and STRmix (analysis software) in 2012. My understanding is that the project component of revising or creating new exhibit lines, and communicating with the QPS on expanded comments was undertaken by Paula Brisotto and Emma Caunt (**JH-97**). I don't recall being directly involved in that task.
29. The attachments (**JH-49 to JH-64**) demonstrate the collaboration between QPS and FSS in developing exhibit result lines in striving to continuously improve processes. My involvement in 2018 was to liaise with internal and external (QPS) personnel including A/Inspector Gerard Simpfendorfer. In addition to the emails, phone conversations and face to face meetings with QPS are used to discuss the results and what they mean. I included senior staff from FSS to ensure all views were considered and to help with the education process with QPS DNA Management Unit. After the collaboration and review by parties in QPS and FSS, I raised a job with bdna/ Forensic Technologies as User Story 1244 (**JH-111**) that included an attachment with the exhibit

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result spreadsheet that was being worked on collaboratively and contained the current wording for 'DNA Insufficient'.

30. In correspondence I sent to him on 13 December 2018, I offered assistance to A/Inspector Gerard Simpfendorfer and stated our willingness to be involved in the education process of QPS personnel (JH-57).

In regard to the education process, we would be more than happy to collaborate. Please let me know details when they unfold and we will be able to co-ordinate something with you.

31. I don't recall being asked to provide assistance (by way of staff) for education aspects around this time period in relation to definitions of 'No DNA Detected', or 'DNA Insufficient', or any other result types that were collaboratively being revised at that time. I am aware from an email from Inspector Neville on 16 January 2019 that he would be seeking advice from the end users, being Investigators. This advice seeking was based on the result line improvements, including the expansion of the comment for 'DNA Insufficient' (JH-70).
32. Previous to my offering that assistance with the education process, I had been invited to present to the QPS DNA Management Section, in August 2018 (JH-68), where I delivered a PowerPoint presentation of some information on the results reported (JH-67). Information on definitions of 'DNA Insufficient' and 'No DNA Detected' are provided on slide 14, and information on process on slides 28 and 29. This presentation appeared well-received as per email from Inspector Neville (JH-69). This complimentary email also mentioned that his staff '*...now understand more about what the results mean when they come back.*'
33. Further conversations, including with, amongst others, Gerard Simpfendorfer, Libby Harris, Stephen Foxover, Megan Lamsam and Olivia McIntyre from QPS DNA Management Section, to improve exhibit result lines have continued since 2018 (JH-118, and JH-119). Some result lines have been implemented, while others continue to be worked on collaboratively. The exhibit result lines continuing to be worked on do not relate to 'DNA Insufficient' or 'No DNA Detected'.


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Question 10

Explain how that wording was explained to the Queensland Police Service.

34. The wording is explained to QPS DNA Management Section through the bilateral sharing of spreadsheets containing the expanded comments, and discussions. The QPS and FSS work collaboratively on the meaning of results for DNA profiles. Any communication involved open conversations, and the communication lines are open for further improvements.
35. Another way that the wording for 'DNA Insufficient' was communicated was via the PowerPoint presentation delivered to QPS and described in paragraph 32 (above).

Question 11

Explain what steps were taken by you, or others in the DNA Analysis Unit, to ensure the Queensland Police Service understood the words used.

36. Through the sharing of spreadsheets with QPS via email containing the expanded comments, and discussions, the QPS and FSS work collaboratively on the meaning of results for DNA profiles. These are open conversations where the communication lines remain open for further improvements. In my role, I believe I have a proven record of being approachable and have strived to create and maintain a positive relationship with the clients either through the sharing of information via spreadsheets and emails, or by delivering presentations on the work of the team as per paragraph 32 (JH-69). I am not sure what other staff members have directly done to ensure QPS have understood the words used.



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Reporting of "insufficient DNA" results in formal witness statements

Question 12

Explain how samples with a quantitation value between 0.001 ng/ μ L and 0.0088 ng/ μ L have been reported in formal witness statements of reporting scientists since early 2018 (after the implementation of the "Options Paper").

37. Suggested statement wording was provided by me to staff on 7 February 2018 (JH-71). This suggested statement wording was: *'Low levels of DNA were detected in this sample and it was not submitted for further DNA profiling'*. This suggested wording was formed after consultation with Senior Scientists Sharon Johnstone and Kylie Rika and A/Senior Scientist Thomas Nurthen (Higher Duties for Amanda Reeves (CCd)) when I asked them to consider the suggested wording (above), and to compare with wording that was already in existence (JH-72 to JH-74). The wording I suggested was consistent with the wording for the exhibit result lines that are worked on collaboratively with QPS (see paragraph 25).
38. I reiterated this suggested wording, in April 2018, to certain staff working on a project to simplify statement wording (JH-80). Staff were allocated to work on a project to improve statement wording as a measure to continuously improve the statement product (JH-78 to JH-79).
39. Since the 'Options Paper' release, there are examples of where the Reporting Scientist has used the wording suggested by me in February 2018 (JH-83), or alternative wording as follows: *'This sample contained insufficient DNA for further processing and was not tested further.'* (JH-81) and *'This sample contained insufficient DNA to be suitable for DNA analysis, therefore it was not tested further'* (JH-82).
40. Suggested statement wording is largely based on the result information reported to QPS via Exhibit Result Lines. In 2013, Reporting Scientists worked together on standardised wording for statements based on the results reported in exhibit result form. This wording was developed and shared with staff by being available on the network within a 'Reporting Guidelines' subfolder (JH-75 to JH-76). This wording was added to the



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next version of the SOP QIS17119v13 that contained suggested statement wording for all results (JH-77). This SOP was not updated in 2018 to include the suggested wording provided by me. The current SOP 34006v5, activated in August 2022 has the following wording (JH-108) that must be used as per Director General memo (JH-109):

Low levels of DNA were detected in this sample and it was not submitted for further DNA profiling.

The sample may have insufficient DNA to result in a DNA profile suitable for interpretation. It is possible that further testing may result in an interpretable DNA profile in some cases.

41. Although there was suggested wording provided by me to Reporting staff in early 2018, the wording in statements can be edited by the Reporting Scientist when writing their Witness Statements as, ultimately, it is their statement that is a record of the findings in the case. It is then available for review by another competent Reporting Scientist, which provides another opportunity for rewording. This is evidenced by the slight variation in statement wording between the relevant SOP and example statements.
42. When wording is added to internal documents within the Quality System, approval is provided by the Managing Scientist. Approval is granted after every new version has been reviewed by all or most of the nominated reviewing staff. The staff nominated varies depending on the information contained in the relevant SOP or Training Module, but generally includes senior staff. By way of example, JH-110 demonstrates the review and approval of the current SOP 34006v5 that contained the D-G memo wording.

Question 13

Explain how that wording came to be used, including:

- (a) *Who directed or suggested that wording;*
- (b) *Who wrote the wording;*

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- (c) *Who authorised the wording;*
- (d) *Your involvement in directing, suggesting, writing or authorising the wording;*
- (e) *The reasons for directing, suggesting, including, writing or authorising the wording.*

43. See the responses above in paragraphs 37 to 42.

Question 14

Explain how that wording was explained to the Queensland Police Service, the Office of the Director of Public Prosecutions, Legal Aid Queensland, criminal defence solicitors and barristers and the judiciary.

44. Regarding the use of the wording for 'DNA Insufficient' results, I am not aware of how the wording in Witness Statements was explained to QPS in 2018. I am aware that Inspector Neville was to engage end users (Investigators) for feedback in late 2018 on new result lines (JH-70), which the witness statements are largely based on. By this I mean the statement is a summary of the results issued to QPS via exhibit result lines.

Question 15

Explain what steps were taken by you, or others in the DNA Analysis Unit, to ensure the Queensland Police Service, the Office of the Director of Public Prosecutions, Legal Aid Queensland, criminal defence solicitors and barristers, the judiciary and any other relevant stakeholder, understood the words used.

45. I am not aware of any specific steps taken by me or others in my work unit. Although I am aware that presentations have been provided to various QPS audiences, and the ODPP (JH-98 to JH103), I am not aware if this included a discussion on 'DNA Insufficient' results. The work unit is available for conferencing at any time, especially after issuing Witness Statements. In terms of information sharing exercises in a broader context, and in relation to significant changes in the science, the work unit has a track record of delivering presentations to various QPS audiences, and the ODPP (JH-98 to

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JH-103). While there is no mention in these attachments of describing the results of 'DNA insufficient', in my view the work unit has been and continues to be open to assisting the understanding of any results issued by the team.

"No DNA" results

Question 16

Explain the decisions by which samples were reported in the Forensic Register (or predecessor program/s) as "No DNA detected" or words to similar effect since 2003, including:

- (a) *a timeline of what samples were reported in that way at what time;*
 - (b) *who decided that certain samples would be reported in that way, and when;*
 - (c) *the reasons for each decision, including why the relevant quantitation thresholds were used;*
 - (d) *the material or information on which each decision was based.*
46. I cannot recall precisely who was involved. That said, in case it assists the Commission I provide the following information.
47. A timeline of the reporting of 'No DNA Detected' is attached as **JH-84**. The timeline shows that from 11 July 2011, Priority 3 samples with 'undetermined' quantification values were reported to QPS as 'No DNA Detected' (**JH-91**). An undetermined quantification value is otherwise known as 'zero' quant. Priority 1 and 2 samples proceeded with this workflow after the implementation of PowerPlex 21 amplification kit in 2012 (**JH-92, JH-93 (Slide 13) and JH-94**). The expanded comment wording for the result line of 'NDNAD – No DNA Detected' had a slight edit at implementation for priority 1 and 2 samples to make it clear that the wording applied to samples below the Limit of Detection at the quantification stage (**JH-95**).
48. The Change Register – Minor Changes records the project leader for the change to be Team Leader Paula Brisotto (nee Taylor ie. 'PMT'). A project exists within the Change Management System, Project #80, that shows that work related to reporting of 'No

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'DNA Detected' was proposed by Thomas Nurthen and Paula Taylor (**JH-85**), with additional involved parties of Allan McNevin and QPS. The process was then added to the SOP 17117v15 that was activated in 2012 (**JH-86**). This SOP describes the team that would release the result (Analytical Team) and how it would be released ie. as 'NDNAD - No DNA Detected.' This process was communicated to Management Team and data shared since implementation over a series of meetings in 2011 (**JH-112 to JH-117**).

49. Within the project folder is a record of an email from Paula Brisotto (nee Taylor) that appears to have been sent to Reporting Scientists and other staff performing DNA profile interpretations (**JH-87**). This communication describes the data that was obtained, and details of the communication with QPS. This communication included information that the decision was approved by QPS Superintendent Michael Keller.
50. The email communication describes the two advantages to the workflow that was discussed with Supt Keller: reduction in Turnaround Time (TAT) and reduction in cost, as amplification is the greatest cost in consumables.
51. The email describes the data that was interrogated, from which the proposal was put forward to QPS. The email describes that the approved process was for:

'Priority 3 samples only, and look at more data around quant values (not just undetermined) and reworking to see if implementation for priority 2 volume samples is appropriate.'

Reporting of "no DNA" results in the Forensic Register

Question 17

Explain how samples with a quantitation value below 0.001 ng/ μ L (from approximately 2015 to present) and below 0.00214 ng/ μ L (from approximately 2012 to approximately 2015) have been reported in the Forensic Register (or predecessor program/s).



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52. SOP 23008v12, which was activated soon after the approval and implementation of the 'No DNA Detected' process in 2011, had the following words and application instructions (JH-91):

No DNA detected

This item/sample was submitted for DNA analysis; however no DNA was detected at the quantitation stage. No further processing was conducted on this item. QPS can submit a request to QHFSS for a continuation of this processing if required.

Mnemonic = NDNAD

This comment is currently used for Priority 3 Volume Crime samples only. This comment is entered into the EXR/EXH when the quantitation value is undetermined, and there is no indication of inhibition. This sample will not proceed to amplification. QPS can request processing of the sample to restart should they require it.

53. SOP 23008v13, which was activated soon after implementation of PowerPlex 21 amplification kit, has the below information and application instructions (JH-92). This wording included a slight edit to make it clear that the line and wording applied to samples with quantification values above the Limit of Detection. This work was captured in spreadsheet form by the staff allocated this work at this time, my recollection is that this was Emma Caunt and Paula Brisotto (JH-95):

For Powerplex 21: The following comment is entered into the EXH when the quantitation value is less than the limit of detection (LOD) for quantitation, and there is no indication of inhibition. This sample will not proceed to amplification. QPS can request processing of the sample to restart should they require it.



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For Profiler Plus, the following comment is entered into the EXH for Volume Crime Priority 3 samples only when the quantitation value is undetermined, and there is no indication of inhibition.

No DNA detected

This item/sample was submitted for DNA analysis; however no DNA was detected above the limit of detection at the quantitation stage. No further processing was conducted on this item. QPS can submit a request to QHFSS for a continuation of this processing if required.

Mnemonic = NDNAD

(PP21 or P+)

54. SOP 23008v14, which was activated in July 2013, included the following wording for 'No DNA Detected' (JH-88). This was the same wording found in SOP 23008v15, which was activated in March 2016 (JH-89), and the same as the current SOP 34229v3, which was activated in July 2021 (JH-90).

No DNA detected

This item/sample was submitted for DNA analysis; however no DNA was detected above the limit of detection at the quantitation stage. No further processing was conducted on this item.

Mnemonic = NDNAD

(PP21 or P+)

For Powerplex 21: This comment is entered into the EXH when the quantitation value is less than the limit of detection (LOD) for quantitation, and there is no



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indication of inhibition. This sample will not proceed to amplification. QPS can request processing of the sample to restart should they require it.

For Profiler Plus, this comment is entered into the EXH for Volume Crime Priority 3 samples only when the quantitation value is undetermined, and there is no indication of inhibition.

Question 18

Explain how that wording came to be used, including:

- (a) *Who directed or suggested the wording;*
- (b) *Who wrote the wording;*
- (c) *Who authorised the wording;*
- (d) *Your involvement in directing, suggesting, writing or authorising the wording;*
- (e) *The reasons for directing, suggesting, including, writing or authorising the wording.*

55. I am not aware nor have recollection of who wrote the words in 2011 that continued through to the present, but assume it was initially written by the original Project #80 team members Paula Brisotto (nee Taylor) and/or Thomas Nurthen (JH-85). Since the first use of the exhibit line and expanded comment, there has only been a minor change over time (see paragraphs 52 to 54).
56. The wording, in the exhibit result form, is part of a large collection of results that are worked on collaboratively with QPS (see paragraphs 34 to 36). The minor edit to the original wording from 2011 was captured in the spreadsheet by the staff allocated this work for the implementation of new exhibit lines at the commencement of the use of PowerPlex 21 amplification kit and STRmix (JH-95).
57. Through collaboration with QPS, my assumption is that the QPS approved the wording after the appropriate discussions were held between organisations. When wording is

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added to internal documents within the Quality System, approval for those documents is provided by the Managing Scientist. Approval is granted after every new version has been reviewed by all or most of the nominated reviewing staff. The staff nominated varies depending on the information contained in the relevant SOP or Training Module, but generally includes senior staff. By way of example, **JH-110** demonstrates the review and approval of the current SOP 34006v5.

58. I don't recall being part of conversations around the use and wording of 'No DNA Detected' at the time it was devised, nor when it was applied to Priority 1 and 2 samples in late 2012. I was part of expanded comment discussions since 2018 and cannot recall any difficulties with the wording being raised with me.

Question 19

Explain how that wording was explained to the Queensland Police Service.

59. I am not aware nor have recollection of how the wording was communicated to QPS in 2011. My assumption is that through collaborative discussions and the sharing of spreadsheets, the wording was explained to QPS at the time (**JH-96**).


Question 20

Explain what steps were taken by you, or others in the DNA Analysis Unit, to ensure the Queensland Police Service understood the words used.

60. I am not aware of any specific steps taken by me or others in my work unit. Although I am aware that presentations have been provided to various QPS audiences, and the ODPP (JH-98 to JH103), I am not aware if this included a discussion on 'DNA Insufficient' results. Through the sharing of spreadsheets containing the expanded comments, and discussions, the QPS and FSS work collaboratively on the meaning of results for DNA profiles. These are open conversations where the communication lines remain open for further improvements. In my role, I believe I have a proven record of



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being approachable and have strived to create and maintain a positive relationship with the clients either through the sharing of information via spreadsheets and emails, or by delivering presentations on the work of the team (**JH-69**).

Reporting of “No DNA” results in formal witness statements

Question 21

Explain how samples with a quantitation value below 0.001 ng/μL (from approximately 2015 to present) and below 0.00214 ng/μL (from approximately 2012 to approximately 2015) have been reported in formal witness statements of reporting scientists.

61. Below is an excerpt from SOP 17117v16 (**JH-104**), activated in 2012, following the 2011 creation of the result line:

This result will be reported in the statement as ‘DNA was not detected in this sample during the initial steps of DNA analysis and as a result no further testing was conducted’ (wording is at the discretion of the reporting scientist).

62. Further suggested wording was created by Reporting Scientists (as a group) in 2013 and contained in **JH-105**. The same wording was added to a SOP 17119v14 that was the next SOP after implementation of Quant-Trio in 2015, where the Limit of Detection was determined to be 0.001ng/uL (**JH-107**). This is the same wording in the current SOP 34006v5 activated in August 2022 (**JH-108**). The wording is:

DNA was not detected in these samples and therefore they were not tested further.

63. Alternative suggested wording was made available within a common network drive for Reporting scientists, that appears to have been authored by a Reporting Scientist Jacqui Wilson and/or then Senior Scientist Amanda Reeves in 2018 (**JH-106**):

DNA was not detected in this sample during initial the (sic) stages of DNA analysis and as such this sample was not submitted for DNA profiling.

[Redacted signature]

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[Redacted signature]

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Question 22

Explain how that wording came to be used, including:

- (a) *Who directed or suggested that wording;*
 - (b) *Who wrote the wording;*
 - (c) *Who authorised the wording;*
 - (d) *Your involvement in directing, suggesting, writing or authorising the wording;*
 - (e) *The reasons for directing, suggesting, including, writing or authorising the wording.*
64. The suggested wording described in paragraph 61 that appears in SOP 17117v16 (**JH-104**) was updated in the SOP by at least three staff: Alicia Quartermain, Emma Caunt and myself. My assumption is that this wording was based on the already developed exhibit result line for 'No DNA Detected' around the time of Project #80 in 2011, and after implementation of the use of the result line since the implementation of Powerplex 21 amplification system.
65. When wording is added to internal documents within the Quality System, approval for those documents is provided by the Managing Scientist. Approval is granted after every new version has been reviewed by all or most of the nominated reviewing staff. The staff nominated varies depending on the information contained in the relevant SOP or Training Module, but generally includes senior staff. By way of example, **JH-110** demonstrates the review and approval of the current SOP 34006v5. Suggested wording is provided as guidance to wording that could be used by Reporting Scientists. Any wording used in Witness Statements is at the discretion of the Reporting Scientist, and is subject to peer review.

Question 23



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Witness

Explain how that wording was explained to the Queensland Police Service, the Office of the Director of Public Prosecutions, Legal Aid Queensland, criminal defence solicitors and barristers and the judiciary.

66. Regarding the use of the wording for 'No DNA Detected' results, I am not aware of how the wording in Witness Statements was explained to QPS when first devised in 2011. I was not part of the project applicable (Project #80).
67. I am not aware of any formal education process with the Office of the Director of Public Prosecutions, Legal Aid Queensland, criminal defence solicitors and barristers and the judiciary on the meaning of the wording in Witness Statements pertaining to 'No DNA Detected' results. I base this understanding on my experience as a Reporting Scientist at QHFSS in which I provided evidence on numerous occasions, including being requested by ODPP or other legal parties to clarify wording within my statement through general conferencing (JH-121). This said, I cannot recall specific occasions of being asked in my role as a Reporting Scientist to clarify the wording 'DNA insufficient' or 'No DNA Detected'.

Question 24

Explain what steps were taken by you, or others in the DNA Analysis Unit, to ensure the Queensland Police Service, the Office of the Director of Public Prosecutions, Legal Aid Queensland, criminal defence solicitors and barristers, the judiciary and any other relevant stakeholder understood the words used.

68. I am not aware of any specific steps taken by me or others in my work unit. Although I am aware that presentations have been provided to various QPS audiences, and the ODPP (JH-98 to JH103), I am not aware if this included a discussion on 'No DNA Detected' results. The work unit is available for conferencing at any time, especially after issuing Witness Statements. In terms of information sharing exercises in a broader context, and in relation to significant changes in the science, the work unit has a track record of delivering presentations to various QPS audiences, and the ODPP (JH-98 to



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JH-103). While there is no mention in these attachments of describing the results of 'No DNA Detected', in my view the work unit has been and continues to be open to assisting the understanding of any results issued by the team.

All the facts and circumstances declared in my statement, are within my own knowledge and belief, except for the facts and circumstances declared from information only, and where applicable, my means of knowledge and sources of information are contained in this statement.

I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1867*.

TAKEN AND DECLARED before me at Brisbane in the State of Queensland on ^{16 Jan 16/1/2022} 22 September 2022

[Redacted Signature]

[Redacted Signature]

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ALLISON KATHLEEN LLOYD



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