FW: FSS SOP draft memo

From: Neville.DavidH[OSC] <[redacted]
To: Lara Keller <[redacted]
Cc: McCarthy.DuncanJ[OSC] <[redacted]
Date: Thu, 15 Sep 2022 13:12:15 +1000

Hi Lara

I am sorry to bother you again in relation to the same matter. But I probably need to let you know that separately another scientist reached out to Steve Foxover seeking approval to microconcentrate a sample to 15uL rather than 35 uL, because in the scientist's opinion, it gave a better chance of getting a result based on the lower level of DNA present. This tends to suggest that there might be some substance in the matters raised by the first scientist.(i.e. that blanket concentration to 35uL may not be best practice). Perhaps this further information might be of use to you when considering my email sent yesterday.

Sorry in advance if the concerns I have conveyed turn out to be unfounded, but I think they need some exploration to make sure we a maximising the opportunity to solve crime

Regards

David Neville
Inspector
Biometrics
Forensic Services Group
Operations Support Command
Ph: [redacted]
Mob: [redacted]

From: Neville.DavidH[OSC]
Sent: Wednesda
To: Lara Keller <[redacted]
Cc: McCarthy.Du [redacted]
Subject: RE: FSS SOP draft memo

Hi Lara and Helen
Thanks for taking the time to speak to me today. I understand the complexity involved with modifying procedure and validation requirements and the reasons for reverting to a previous processes. For clarity, could you please confirm that the newly adopted process of concentrating all samples to 35uL is the same process that was in place prior to February 2018.

I guess I am still left with the concerns raised by the lab member and whether they have any basis. The specific concerns were:

- * The volume a sample should be concentrated to is dependent on the actual quantity of DNA present; and
- * Samples with a concentration at the lower end of the 0.001-.0088ng/uL range should be concentrated to a lower volume to ensure the concentration is sufficient to develop a reliable profile; and
- * For those samples at the low end of that range, adhering to the directive, results in a concentrate that is too dilute to provide a result for some samples and the process, as described, wastes half of the already diminished sample.

In essence I was advised that the QPS is losing evidence by the current process of blanket concertation to 35uL. Could I please be provided advice as to whether these concerns have any basis please.

Could I ask that the suggested change to the process that involves concentrating to a volume based on the quantity of DNA present be explored to examine its merits please.

Kind regards

David Neville
Inspector
Biometrics
Forensic Services Group
Operations Support Command
Ph: [redacted]
Mob: [redacted]

From: Lara Keller <[redacted]
Sent: Tuesday, 13 Septem
To: Neville.DavidH[OSC] <[redacted]
Subject: RE: FSS SOP draft memo

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.

Thanks David
Perfect. How about I call you at 11 am tomorrow?
Kind Regards
Lara

Lara Keller B App Sc (MLS), Grad Cert Health Mgt, MAIMS, CMgr FIML
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Queensland Health acknowledges the Traditional Owners of the land, and pays respect to Elders past, present and emerging.

From: Neville.DavidH[OSC] <[redacted]
Sent: Tuesday, 13 September
To: Lara Keller <[redacted]u>
Subject: RE: FSS SOP draft memo

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 Lara
Thanks for letting me know. If you have time for a phone call tomorrow that might be helpful. I could make time anytime you like.
Regards

David Neville
Inspector
Biometrics

Forensic Services Group
Operations Support Command
Ph: [redacted]
Mob: [redacted]

From: Lara Keller <[redacted]
Sent: Tuesday, 13 S
To: Neville.DavidH[OSC] [redacted]
Cc: McCarthy.DuncanJ[O [redacted].gov.au>
Subject: RE: FSS SOP draft memo

Hello David

Thanks for the email.
I am not available this afternoon, but could make time tomorrow if there is a suitable time for you and/or Duncan?
Alternately, I understand we have our regular FSG-FSS meeting on Thursday?

Thanks and Kind Regards
Lara

Lara Keller B App Sc (MLS), Grad Cert Health Mgt, MAIMS, CMgr FIML
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From: Neville.DavidH[OSC] <[redacted]
Sent: Tuesday, 13 September
To: Lara Keller <[redacted]u>
Cc: McCarthy.DuncanJ[OSC] <McCarthy.Duncan[redacted]
Subject: FW: FSS SOP draft memo

Hi Lara
Recently I was contacted by the office of the Director-General of QH seeking advice on a proposed new workflow. My advice was basically that the QPS did not hold sufficient expertise to comment on the proposal. I was later given a copy of a memo sent to Helen Gregg that directed all samples in the low quant range to be concentrated to 35uL. Last week a scientist from your DNA lab reached out to me raising concerns that the blanket concentration to 35uL was risking the loss of evidence. As a result I forwarded that concern to Matt Rigby who was the contact in the first instance.

I apologise if at appears that I have gone over your head in this instance, that was not my intent, I was just trying to give information to the apparent decision maker in the instance. I am please that this matter has now been referred you.

Do you have any time today to discuss the matter, please. I have a meeting from 10-11, but I am free mostly after that.

Kind Regards

David Neville

From: Matthew Rigby <[redacted]
Sent: Tuesday, 13 Sept
To: Neville.DavidH[OSC] <[redacted]
Cc: McCarthy.DuncanJ[OS[redacted].gov.au>; Lara Keller <[redacted]
Subject: RE: FSS SOP draft memo

Hi Dave,

We have carefully considered the issues raised in your email below.

Our primary objective is to undertake DNA testing in a manner that has been appropriately validated by FSS scientists and approved by QPS.

We understand that questions have been raised following the decision, on 19 August 2022, to revert to pre-2018 testing processes.

It seems there are also questions about the circumstances in which QPS should approve testing if the result will risk exhausting sample volume.

It might be beneficial for us to arrange a meeting between QPS and key personnel from FSS to discuss these matters. If you agree, can you please contact Lara Keller, A/Executive Director FSS (copied in for ease of reference) to arrange a suitable time.

Kind regards, Matt

Queensland Government

Matt Rigby
Executive Director
Office of the Director-General
Queensland Health

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A Level 14, 33 Charlotte Street, Brisbane QLD 4000

From: Neville.DavidH[OSC] <[redacted]
Sent: Thursday, 8 September
To: Matthew Rigby <[redacted]
Cc: McCarthy.DuncanJ[OSC] <[redacted]
Subject: FW: FSS SOP draft m
Importance: High

Dear Matt

I refer to your email below and to the attached directive from A/Director-General Dr Rosengren to the A/Executive Director of the QHFSS that prescribes the manner in which samples in the concertation range of 0.001-0.0088ng/uL are to be processed. In particular I refer to the following instruction:

> "For clarity, all Priority 1 and Priority 2 samples with a quantitation result between 0.001ng/uL (LOD) and 0.0088ng/uL, should be concentrated down to a volume of 35uL and undergo one amplification process."

I have been contacted by a scientist at the QHFSS DNA laboratory who expressed concerns in relation to the attached directive.

To summarise the information provided by the scientist, I was advised that:

- * The volume a sample should be concentrated to is dependent on the actual quantity of DNA present; and
- * Samples with a concentration at the lower end of the 0.001-.0088ng/uL range should be concentrated to a lower volume to ensure the concentration is sufficient to develop a reliable profile; and
- * For those samples at the low end of that range, adhering to the directive, results in a concentrate that is too dilute to provide a result for some samples and the process, as described, wastes half of the already diminished sample.

In short, the scientist expressed the view that by complying with the directive they were wasting evidence and potentially losing the opportunity to obtain a profile from some samples.

The scientist further stated that the scientists should make a decision on the concentration volume based on the Quant Trio data, and that a one size fits all approach is not appropriate. I was informed that other scientists hold the same view and that attempts had been made to raise these concerns with the QHFSS senior leadership team without success.

As outlined in my email response to you of 19 August 2022, the QPS desires to maximise the potential to obtain a profile from every sample, whether that be through services delivered by QHFSS, or by another provider. I mentioned my concern about the micro concentration process exhausting all samples in the context of a warning given by the Managing Scientist in 2018 when the QPS raised concern about the removal of the process. Recent information from the Managing Scientist to the effect that, after amplification, a volume of concentrate that was sufficient for further testing would remain, makes it clear that this original advice was quite incorrect.

If QHFSS is able to reliably undertake a test that has a high likelihood of yielding a useful profile, the testing should be undertaken even if it might exhaust the extract. However, if in the scientist's view the technology used at QHFSS is unlikely to yield a forensically meaningful result, consideration needs to be given to allowing the QPS the opportunity to engage the services of another laboratory that has the requisite technology. The scientist's decision should also take into account the existence and nature of any other DNA evidence already available for the particular case.

The QPS requests that attached directive be urgently reviewed in light of and having regard to the concerns raised by the scientist. Could I also be provided return advice on the result of such review, please.

David Neville
Inspector
Biometrics
Forensic Services Group
Operations Support Command
Ph: [redacted]
Mob: [redacted]
[redacted]

From: Matthew Rigby <[redacted]
Sent: Friday, 19 August
To: Neville.DavidH[OSC] <[redacted]
C [redacted].gov.au>; David Rosengren
<[redacted]
Subject: RE: FSS SOP draft memo

Hi Dave,

Thanks for providing your feedback below through to us.

For your information, the Acting DG has approved the attached and this has been provided through to FSS this afternoon.

Thanks Matt

Matt Rigby
Executive Director
Office of the Director-General
Queensland Health

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A Level 14, 33 Charlotte Street, Brisbane QLD 4000

From: Neville.DavidH[OSC] <[redacted]
Sent: Friday, 19 Augu
To: Matthew Rigby <[redacted]
Cc: McCarthy.Dunca [redacted]
Subject: FW: FSS SOP draft memo

Hi Matt

Thank you for the opportunity to comment on the proposed change to the laboratory workflow involving automatic micro-concentration of samples in the concentration range of .001-.0088ng/uL.

The QPS agreed to the removal of this process in February 2018 following a recommendation that was initiated by the DNA laboratory and presented in an Options Paper. The QPS now has some concern about the information it was provided to make this decision including the manner in which the supporting data was derived.

In November 2018 the QPS first raised concern with the Managing Scientist that the removal of the automatic micro-concentration process may have resulted in evidence being missed. At that time the QPS was given an assurance that the success of micro-concentration was very low and that 'automatic progression of samples through the Microcon process means that all available DNA extract will be consumed, so no further testing can be conducted on these samples after this step'. Based on this advice, the QPS continued with the arrangement.

Due to limitations of the QHFSS DNA laboratory, from time to time the QPS seeks the services of other providers to undertake alternative testing, particularly for low concentration and degraded samples. If the advice from the Managing Scientist is correct, the automatic concentration of all samples in the range of .001-.0088ng/uL could result in the opportunity being lost to use another service provider to obtain important probative evidence. This is a consequence that the QPS is unable to accept as a matter of routine.

The risk is that the proposed directive may result in a sample being exhausted making alternative testing impossible. The QPS does not have the expertise to assess the likelihood of the risk given such an assessment can only be made based on

information that is exclusively within the domain of QHFSS. As a result, the QPS considers the decision to reimplement automatic micro-concentration an internal matter that QH must decide in the context that the customer (the QPS) desires to maximise the potential to obtain a profile from every sample, whether that be by services delivered by QHFSS or by another provider that can deliver a service QHFSS is not resourced to deliver.

Regards

David Neville
Inspector
Biometrics
Forensic Services Group
Operations Support Command
Ph: [redacted]
Mob: [redacted]

From: Matthew Rigby <[redacted]
Sent: Wednesday, Augu
To: Neville.DavidH[OSC] <[redacted]
Cc: David Rosengren <[redacted]
Subject: FSS SOP draft memo

Hi Dave,

Thanks for your time today and as discussed with the Acting DG and myself this afternoon, please find attached a draft memo that has been prepared and the associated SOP extract to provide some further clarity to our staff at FSS.

Appreciate any feedback/input that you have from a QPS perspective.

Thanks Matt

Matt Rigby
Executive Director
Office of the Director-General
Queensland Health

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