

COMMISSION OF INQUIRY INTO DNA PROJECT 13 IN QUEENSLAND

STATEMENT OF BRUCE BUDOWLE

I, Dr. Bruce Budowle, of Christiansburg in the State of Virginia, USA, do solemnly and sincerely declare that:

Background

1. I hold a doctorate in genetics from Virginia Tech awarded in 1979.
2. I am currently a Visiting Professor in the Department of Forensic Medicine at the University of Helsinki and adjunct faculty in the Radford University Forensic Science Institute. Prior to these appointments I was Director of the Center for Human Identification and Regents Professor in the Department of Microbiology, Immunology, and Genetics at the University of North Texas Health Science Center at Fort Worth Texas (tenure at the University from 2009-2022). Additionally, I was employed for 26 years (1983-2009) at the Federal Bureau of Investigation's Laboratory Division where I was involved in the research, development, and validation of numerous DNA methods. I led the team that developed DNA typing capabilities at the FBI Laboratory in Quantico, Virginia. I ended my tenure at the FBI as Senior Scientist in the Laboratory Division. I have extensive experience in all aspects of forensic DNA analyses, including analyses of low-level samples, mixture analyses, population genetics, statistical interpretations, STR markers, SNP markers, and mitochondrial DNA. I have authored or co-authored more than 730 scientific articles predominately encompassing all aspects of forensic genetics. I have been qualified as an expert in more than 300 cases in State, Federal, and international courts in various aspects of forensic DNA analyses to include quality assurance, methodology, validation, molecular biology, population genetics, and statistics. I continue to have an active role in research, development, validation, and implementation of forensic genetic methods to increase capabilities for human identification among other applications.
3. I was engaged by the Commissioner Walter Sofronoff KC, (**Commissioner**) for the Commission of Inquiry into Forensic DNA Testing in Queensland (**DNA Inquiry**) as an expert. Initially, I provided a review for accuracy of a draft document that provided an overview of DNA and explained how DNA is tested and analysed at a forensic laboratory (request dated 25 August 2022 and suggested edited version returned on 26 August 2022). In addition, I prepared four reports based on specific taskings by the Commission of Inquiry. The reports were:
 - a. Review and Assessment of the Use of "No DNA Detected" by Queensland Health Forensic and Scientific Services (QHFSS) – Dated 05 September 2022.


Dr Bruce Budowle

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This Report addressed an inquiry by Commission of Inquiry into Forensic DNA Testing in Queensland regarding the validity and/or accuracy of reporting of “No DNA Detected” by Queensland Health Forensic and Scientific Services (QHFSS) based on the laboratory’s protocol on a DNA quantification assay known as the Quantifiler™ Trio DNA Quantification Kit (manufactured by Thermo Fisher Scientific).

- b. Review and Assessment of the Appropriateness of Not Concentrating Low Quantity DNA Samples by Queensland Health Forensic and Scientific Services (QHFSS) - Dated 15 September 2022.

This Report addressed an inquiry by Commission of Inquiry into Forensic DNA Testing in Queensland regarding the appropriateness of the process by which scientists at Queensland Health Forensic and Scientific Services (QHFSS) re not concentrating samples that have been determined to have concentrations between 0.001 ng/μL and 0.0088 ng/μL and alternatively practices that may be considered appropriate to address or process such low quantity DNA samples.

- c. Assessment of the Options Paper and Update Paper Prepared by Queensland Health Forensic and Scientific Services (QHFSS) – Dated 19 September 2022.

This Report addressed a number of topics regarding “A review of the automatic concentration of DNA extracts using Microcon® Centrifugal Filter Devices: Options for QPS Consideration” (what has been called and was referred to as the “Options Paper”) and “Assessment of Low Quantification Value DNA Samples” (what has been called and referred to as the “Update Paper”) which were written by the Queensland Health Forensic and Scientific Services (QHFSS) and provided to the police. The information in the Options Paper ultimately established a basis for a policy on processing low quantity samples (in 2018). The Update Paper assessed the efficacy of concentration of low quantity samples that were requested for further analysis by the police since the enactment of the 2018 policy. This policy was being investigated, and the Commission of Inquiry into Forensic DNA Testing in Queensland has identified a number of topics upon which they requested guidance.

- d. Review of DNA Analysis undertaken by the Blackburn case – Ms Johanna Veth and Dr Bruce Budowle 17 November 2022 (amended 23 November 2022).

This report was a review of documentation assessing the analysis and reporting undertaking in the Blackburn case. The topics included: Whether the work done by QHFSS in the Blackburn case was done in accordance with best practice; Whether the way in which the matters referred to in the two OQI documents were dealt with, or resolved, was in accordance with best practice; Whether the matters referred to in the two OQI documents had, or could have had, any effect



Bruce Budowle



Witness

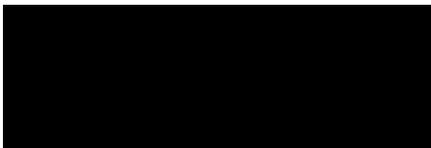
on the analyses performed by QHFSS in the Blackburn matter; The soundness of the opinions of Dr Wright; Identify any opportunities for retesting of samples or exhibits in the Blackburn matter; and Whether the validation of the Capillary Electrophoresis 3130 instruments, PowerPlex® 21 or STRmix were performed in accordance with best practice and, if not, whether any failures had, or could have had, an effect upon the results of DNA testing in the Blackburn case.

4. In preparing and finalizing my reports, I was not provided with a copy of the report titled “Project 13: Report on the Verification of an Automated DNA IQ Protocol Using the MultiPROBE II Plus HT EX with Gripper Integration Platform (**Project 13 Report**)”.
5. I have no recollection of being briefed about the Project 13 Report or discussing the Project 13 Report with Ms. Johanna Veth or Professor Linzi-Wilson -Wilde at any time during the course of the preparation of my four reports. I have had communication with Ms Johanna Veth recently via email (5 October 2023 and 28 October 2023) regarding the issue of the Project 13 Report, but nothing substantive about the content of the report.
6. I do not recall having any discussions or obtaining any instructions from Counsel Assisting the Commission Ms. Susan Hedge in relation to the Project 13 Report.
7. I now have had the opportunity to review the version of the Project 13 Report provided to me by Mr. Michael Potts on 27 October 2023, and it appears the document may be in draft format.
8. Based on the Statement of Mr Thomas Nurthen, the version of the Project 13 Report provided to me may never have been finalised.

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 Christiansburg in the State of Virginia, USA this 29 day of October 2023.


Bruce Budowle


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