Carter Pereira, Claudine

From: Pamela Bordner <PBordner@ascld-lab.org>
Sent: Tuesday, April 12, 2016 12:34 PM
To: Carter Pereira, Claudine
Cc: Laurel Farrell; 'Coffman, David'; Tara Dolin
Subject: ASCLD/LAB Board decision on allegations
Attachments: 160412-BrowardSO-notification of Board decision.pdf; 160412-BrowardSO-Investigative Report-Board Reveiwed.pdf

Director Carter-Pereira,

Attached to this email you will find a formal notice of the ASCLD/LAB Board of Directors decisions related to our investigation of allegations submitted by Tiffany Roy. A copy of the Investigative Report is also attached. As the letter states, you have until May 12, 2016 to provide me with the laboratory's corrective action plans related to the sustained allegations or alternatively, you can provide me with a request for a formal Board review. The current ASCLD/LAB policy on "Allegations Related to Accredited Laboratories and Their Employees" can be found here https://ascld-lab.qualtrax.com/Default.aspx?ID=1446

Please acknowledge receipt of this notification.

Best Regards,
Pam
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Quality Matters ®

AMERICAN SOCIETY OF CRIME LABORATORY DIRECTORS
LABORATORY ACCREDITATION BOARD

April 12, 2016

Claudine Carter-Pereira
Crime Laboratory Director
Broward Sheriff's Office Crime Laboratory
201 S.E. 6th Street, North Wing - Room 1799
Ft. Lauderdale, FL 33301

Director Carter-Pereira:

On March 25, 2016, The ASCLD/LAB Board of Directors (Board) considered the investigative report prepared by ASCLD/LAB Staff Assessor Melissa Smrz. The report documented the results of our investigation of the allegations submitted to ASCLD/LAB by Tiffany Roy on or about October 2, 2015.

For the purposes of our investigation, we identified the allegations as Allegation 1, Allegation 2 and Allegation 3. Specifically, we summarized the allegations in the following way:

Allegation 1: Inappropriate consideration of submitted known reference samples to determine loci that will be selected for statistical calculation purposes.

Allegation 2: Inappropriate use of the statistic known as the Combined Probability of Inclusion (hereafter referred to as the 'CPI') to calculate statistical significance of occurrence of genetic profiles when allelic dropout is known and/or is suspected to have occurred.

Allegation 3: Use of the FBI population database to calculate statistics.

After reviewing and considering the allegations, the results of our investigation and input from our Technical Advisory Committee, the Board reached the following conclusions and took the following actions:

Allegation 1 Conclusion

The Board accepted the investigative report and input from the Technical Advisory Committee and determined that there was sufficient objective evidence to sustain the allegation. The Board has directed that laboratory management is to take appropriate corrective action to resolve the nonconformity to ISO/IEC 17025:2005 requirement 5.4.1.

Allegation 2 Conclusion

The Board accepted the investigative report and input from the Technical Advisory Committee and determined that there was sufficient objective evidence to sustain the allegation. The Board has directed that laboratory management is to take appropriate corrective action to resolve the nonconformity to ISO/IEC 17025:2005 requirement 5.4.1.

Allegation 3 Conclusion

The Board accepted the investigative report and determined that the laboratory has taken appropriate action to address the discrepancies in the FBI STR Population Data as it relates to the cited case.

In accordance with the ASCLD/LAB policy "Allegations Concerning Accredited Laboratories and Their Employees," you may accept the conclusions and directions of the Board or you may disagree with the conclusions and directions of the Board and request a follow-up formal review by the Board. You are being provided with a copy of the Board reviewed investigative report. You have until close of business on May 12, 2016, to a) provide me with the laboratory's corrective action plans related to Allegations 1 & 2 or b) notify me of your request for a formal Board review. Please review Sections 8 & 9 of the enclosed allegations policy for further information.

During the investigation into the allegations listed above, Ms. Smrz identified an issue with the laboratory's technical procedures for statistical calculations as stated below.

> It appears that the laboratory's definition for the CPI calculation it performs is not consistent with the calculation that is stated in the test report. The calculation stated in the procedure is defined **as the odds of the known reference sample profile being a contributor to the evidentiary profile.** The calculation stated in the test report is defined **as the odds of randomly selecting an unrelated individual consistent with the evidentiary sample, based upon the interpretation of the profiles from the named individuals.** These statements appear to reflect two different types of calculations. Further, from the calculations observed in the cited case, it is unclear as to how the probability was converted to odds using a ratio, as described by Weir and the laboratory's unknown source definitions/calculations.

The Board has directed that laboratory management appropriately address this issue in conjunction with the corrective actions taken to resolve the nonconformities cited in the allegation conclusions.

I look forward to working with you to bring this matter to an appropriate resolution. Please contact me if you have any questions.

Sincerely,

Pamela L. Bordner
Executive Director

cc: David Coffman, ASCLD/LAB Board Chair
Laurel Farrell, ASCLD/LAB Senior Accreditation Program Manager

American Society for Crime Laboratory Directors/ Laboratory Accreditation Board

Board Reviewed

INVESTIGATIVE REPORT - ALLEGATIONS

Report Date: February 21, 2016
Laboratory: Broward Sheriff's Office Crime Laboratory
International C**ertificate Number:** ALI -013-T
Investigator: Melissa Anne Smrz – Lead Assessor ASCLD-LAB

INTRODUCTION

On October 2, 2015, the ASCLD/LAB Executive Director received a complaint regarding an allegation of using inappropriate procedures and a misapplication of statistical procedure (Attachments 1 and 1a) by the Broward Sheriff's Office Crime Laboratory (hereafter referred to as 'the laboratory'), from private DNA consultant Tiffany Roy (hereafter referred to as 'complainant'). The ASCLD/LAB Board Chair reviewed the allegation and determined on October 29, 2015 the complaint was within ASCLD/LAB's purview. The laboratory was given the opportunity to respond to the allegation and a response (Attachment 2) was received by ASCLD/LAB on November 17, 2015 (letter dated November 6, 2015). On November 19, 2015, ASCLD/LAB's Staff/Lead Assessor Melissa Anne Smrz was assigned to proceed with an investigation.

The complainant was requested to provide additional details to support the complaint allegation and did so on several occasions via email (Attachments 3, 3a, and 3b). The laboratory was provided the additional complaint allegation details on
November 20, 2015 (Attachment 4), and was given an additional opportunity to respond. The laboratory responded to the additional complaint allegation details on December 28, 2015 (Attachment 5 with referenced supporting documentation).

After a review of the records, Ms. Smrz requested technical assistance from a DNA technical expert on approximately January 6, 2016. On January 25, 2016, Dr. Robin Cotton was approved to participate in the technical aspects of the investigation. Additional information was provided by the laboratory via telephonic interview and email, as requested, between February 5 and 19, 2016. Per the investigator's request, the laboratory provided a summary and explanatory memo dated February 19, 2016, which provided answers to questions asked during the cited February time frame and a summary of a February 17, 2016 telephone conference call with the investigator (Attachment 7-see Comment 1).

OVERVIEW OF LABORATORY

The Broward Sheriff's Office Crime Laboratory is a local government laboratory which provides services primarily to the County of Broward (Florida) and, in some instances, surrounding jurisdictions. The laboratory is located at 201 S.E. 6th Street, Ft. Lauderdale, Florida, and is headed by Director Claudine Carter-Pereira. The laboratory was first granted accreditation under the ASCLD/LAB-*International* program in 2005 and was re-accredited in 2010 and 2015.

OVERVIEW OF ALLEGATIONS

In correspondences received by ASCLD/LAB on various dates between October 2, 2015 and January 24, 2015, the complainant alleged inappropriate procedures by the laboratory's DNA unit to be based on the following:

1. Inappropriate consideration of submitted known reference samples to determine loci that will be selected for statistical calculation purposes.
2. Inappropriate use of the statistic known as the Combined Probability of Inclusion (hereafter referred to as the 'CPI') to calculate statistical significance of occurrence of genetic profiles when allelic dropout is known and/or is suspected to have occurred.
3. Use of the FBI population database to calculate statistics.

SCOPE OF REVIEW

The investigation was conducted to obtain data, facts, and opinions that could fairly and objectively assess the validity of the allegation lodged against the laboratory. The investigator reviewed the complaint, the laboratory responses, associated documents, records and statements from interviews conducted with the complainant, laboratory personnel, and Dr. Cotton, the DNA technical expert appointed by ASCLD/LAB, to gather objective information and evaluate the allegation.

It should be noted that due to the number of emails and submissions of information, the responses from the complainant and the laboratory will be summarized with references to attachments which contain the supporting/objective information to verify the responses, or to reference documents cited in the responses.

The allegation was not directly associated with a specific accreditation requirement; however, the complaint that the laboratory failed to follow appropriate and acceptable procedures, and/or used inappropriate procedures which could be biased and overstate the significance of occurrence of a DNA profile could be associated with the following accreditation requirement:

ISO/IEC 17025:2005 - General Requirements for the Competence of Testing and Calibration Laboratories, clause 5.4.1:

"The laboratory shall use appropriate methods and procedures for all tests and/or calibrations within its scope. These include sampling, handling, transport, storage and preparation of items to be tested and/or calibrated, and, where appropriate, an estimation of the measurement uncertainty as well as statistical techniques for analysis of test and/or calibration data."

In addition, the complainant made reference to, and the laboratory included in its response to ASCLD/LAB, several guidelines contained in the 2010 SWGDAM Interpretation Guidelines for Autosomal STR Typing by Forensic DNA Testing Laboratories (2010, www.fbi.gov, hereafter referred to the SWGDAM Guidelines) (Attachment 9), which include guidance pertaining to the interpretation of DNA mixture results. It is understood that this guidelines document is not under the purview of the accreditation body; however, the laboratory has included a number of these guidelines in its technical procedures. Given these inclusions in the laboratory's management system, the complaint that the laboratory failed to follow certain SWGDAM Guidelines could be associated with the following accreditation requirement:

ISO/IEC 17025:2005 - General Requirements for the Competence of Testing and Calibration Laboratories, clause 4.2.1:

The laboratory shall establish, implement and maintain a management system appropriate to the scope of its activities. The laboratory shall document its policies, systems, programmes, procedures and instructions to the extent necessary to assure the quality of the test and/or calibration results. The system's documentation shall be communicated to, understood by, available to, and implemented by the appropriate personnel.

INVESTIGATIVE RESULTS

BACKGROUND:

DNA Terms

The term "rfu" is an abbreviation for 'relative fluorescence units' and a measure of the signal strength [i.e. florescence], detected from DNA fragments which is proportional to the amount of DNA present. The peak height or rfu depends on the amount of DNA being analyzed. When the amount of DNA is very low, then it can be difficult to separate a true low-level rfu peak from signal noise or other technical artifacts. As a result, many forensic DNA laboratories set minimum rfu peak-height levels i.e. *analytical threshold* to distinguish a true low level peak from noise. Only peaks above the analytical threshold are considered 'true' peaks and not noise or an artifact. Due to the inherent nature of PCR amplification of low levels of DNA, results may contain dramatic peak height imbalance and allele drop-out, i.e., where only one allele (e.g., 18) is seen from a heterozygous pair (e.g., 17, 18).

The term "*stochastic threshold"* is the rfu value that, when exceeded by a single allelic peak in a single source sample, the DNA analyst can be confident that the sister peak of a heterozygous pair would be detected (i.e. would be above the analytical threshold). The SWGDAM Guidelines address stochastic threshold in a number of sections which are relevant to and have been cited in the complaint allegation and the laboratory's response. These are specified in the applicable sections of the investigative report.

The term 'partial profile' is a DNA profile for which DNA typing results may not be obtained at all loci (*or may not display all alleles at some loci – added by investigator)* for a given evidentiary sample (e.g., due to DNA degradation, inhibition of amplification and/or low-template quantity)" (from SWGDAM Guidelines, 2010, Section 3.6.2).

The term 'Combined Probability of Inclusion (CPI) is a statistical calculation which "is typically applied to all alleles detected in a mixture, subject to the limitations described in section 4.6.3 of the SWGDAM Guidelines. The Probability of Inclusion (PI) is calculated as the (sum of allele frequencies)^2 for each locus. The CPI is the product of the individual locus PIs: CPI = PI_1 * PI_2 * ... * PI_N." (from SWGDAM Guidelines, Sections 5.3.1, 5.3.2 and 5.3.5).

The case of State of Florida vs. John Paul Spencer, laboratory number 14-03320, is a 2014 case involving several DNA profiles, one being a partial mixed DNA profile recovered from the handle of a knife (Item 14). The DNA mixture results were compared to known reference sample profiles from two individuals, one being the defendant, and calculations to assess the statistical significance of occurrence of the evidentiary genetic profile were performed using the CPI. Sample information worksheets and electropherograms (Attachment 10) and the test report, allele 'call' sheets and the statistical calculation form (Attachment 11) were provided and reviewed as part of the investigation. The transcript of testimony given by the reporting analyst during a deposition (Attachment 17) was also provided and reviewed as part of the investigation.

Allegations, Responses and Objective Evidence:

The allegation consists of three primary issues that rose from the complainant's review of the specific case, although she believes that the issues cited exist in other cases she has reviewed/is reviewing from this laboratory. Two of the issues are related, but have been separated in this report as Allegation 1 and Allegation 2.

ALLEGATION 1:

The complainant alleges that the laboratory is inappropriately considering the known DNA profile results of submitted reference standards prior to determining which genetic loci/allele results will be used to calculated the statistical significance of occurrence of the genetic profile obtained in evidentiary samples. The complainant alleges that the laboratory's approach does not ensure that all possible allelic information in the sample is fully represented, which is necessary for the CPI to be appropriately applied. The laboratory only requires that the full contribution/representation of any submitted known standard(s) used for comparison is present when using the CPI. The complainant states that this constitutes contextual bias and the calculation can overstate the significance of the occurrence of the profile when the CPI method of calculating statistical significance is used with complex mixtures exhibiting allelic dropout (See Allegation 2).

The complainant states that this practice is in direct conflict with the following SWGDAM Guidelines, section 3.6, Comparison of DNA Typing Results:

"3.6.1: The laboratory must establish guidelines to ensure that, to the extent possible, DNA typing results from evidentiary samples **are interpreted before** comparison with any known samples, **other than those of assumed contributors**." (emphasis added)

"3.6.2.1: For partial profiles, **the determination** of which alleles/loci are suitable for comparison **and statistical analysis** should be made **prior to comparison to the known profiles.**" (emphasis added)

The complainant opines that:

The SWGDAM standard states that the determination of which loci will be used for statistical analysis is made before the analyst even looks at the known standards in the case. "This is done by examining the profile and determining if deconvolution is possible. If the profile cannot be deconvoluted into major and minor profiles, the profile must be examined to determine if all the information is full(y) represented at each location. This is done by assessing the peak heights of the alleles present in the DNA mixture to see if they are all above the stochastic threshold determined by the laboratory. If a determination as to the number of contributors can be made, allele information that is below the stochastic threshold may still be used. If not, locations with alleles below the laboratories (sic) stochastic threshold must be excluded from the statistical calculation. All this determination takes place BEFORE the examination of known profiles is made." (Attachments 3 and 3a)

Laboratory's Summary Response:

In response to the allegation that it does not follow SWGDAM Guideline 3.6.1, the laboratory responded that it analyzes and interprets DNA results from evidentiary samples prior to comparing the results to those from any reference samples, and has procedures requiring this step (Attachment 12). Alleles evaluated as 'conclusive' and warranting further consideration are those which meet the laboratory's analytical threshold of 400 rfu, and the laboratory's 'homozygote' threshold for single allelic loci of 750 rfu. The laboratory does not use peak height ratios or a stochastic threshold (See Allegation 2). The laboratory then moves on to analyze and interpret the DNA profiles results from the known reference samples. The next step is to perform the comparison(s) of the evidentiary profile results to those of the known reference samples. The laboratory stated that it includes SWGDAM Guidelines 3.6.2.2, 3.6.3 and 3.6.4 in its technical procedures as they pertain to interpreting and comparing evidentiary and known samples for the purposes of inclusion, exclusion and inconclusive results (Attachments 13, 14 and 15). Once an association is made, the analyst then further evaluates the evidentiary profiles to determine which loci have the full contribution of the known reference sample(s) and performs statistical calculations based upon that evaluation and determination. (Attachment 16).

In response to the allegation that it does not follow SWGDAM Guideline 3.6.2.1, the laboratory confirmed that it does not follow the latter part of the guideline which pertains to using the known reference sample profile to assist in determining which loci/alleles will be used for **statistical** calculation purposes. It is the laboratory's opinion that calculating the statistics solely on evidentiary profile information without considering the known reference sample profiles may incorrectly convey the statistical significance of any resulting association that may occur. The laboratory believes that it would be in potential conflict with ISO/IEC17025 (2005), Clause 5.10.1 and Clause 5.10.3.5 of the 2011 ASCLD/LAB-*International* Supplemental Requirements for the Accreditation of Forensic Science Testing Laboratories (REFERENCE 18) if it were to follow SWGDAM Guideline 3.6.2.1, in that the statistical significance calculated for an evidentiary sample may not correctly reflect the statistical significance of any association made to submitted known reference samples. This concern continues into the laboratory's response to Allegation 2.
(See Attachment 7, pages 4-5)

Objective Evidence Reviewed:

ATTACHMENT 12 - DNA Unit – Analytical Methods Manual, Section 24, STR Results Table, page 1, second paragraph (highlighted) – requires analysts to evaluate evidentiary samples for interpretation purposes prior to comparison to known reference samples.

ATTACHMENT 6 – DNA Unit – Analytical Methods Manual, Section 21, Analysis of STR Data-Control Samples, page 4 (highlighted) - defines the analytical and homozygote threshold rfus.

ATTACHMENT 14 - DNA Unit – Analytical Methods Manual, Section 26, Interpretations of STR Results: Non-Intimate Mixture Samples, pages 3 – 4 – defines procedures for comparing partial DNA mixture results or DNA results in which there is no major/minor contributor distinction

ATTACHMENT 15 - DNA Unit – Analytical Methods Manual, Section 28, Interpretations of STR Results – Inconclusive Results, first two paragraphs (highlighted) – defines threshold for single allele loci and instructions for determining and recording inconclusive alleles and loci

ATTACHMENT 16 - DNA Unit – Analytical Methods Manual, Section 29, Statistical Evaluations of STR Results and CODIS, pages 1, paragraph 4; page 3, Section B and Pages 3-4, Section B 2 (highlighted) – states that "…for CPI calculations, loci where full contribution is established from all compared donors will be included in the statistical calculations."

ATTACHMENTs 10, 11 and 7: sample worksheets and GeneMapperID-X electropherograms/printouts, including that for sample 14, and the test report, allele call sheets, and statistical calculation results (11) from the examination record– the technical expert and the investigator independently reviewed the electropherograms and the allele call sheets and found them to be consistent with each other and compliant with the laboratory's technical procedures for evaluating alleles using the established thresholds and for analyzing the evidentiary samples prior to analyzing the known reference samples. The technical expert and the investigator also independently reviewed the statistical calculation results and found them to be consistent with having followed the laboratory's procedure to include only loci for which the profiles of the known reference samples are fully observed/established, with one exception. The analyst did not include the locus D19S433 in the statistical calculations. When questioned about this, the laboratory advised that it did not have the allele frequencies of this locus for one of the Hispanic populations it typically includes in its statistical evaluations. Therefore, this locus was not included in the statistical calculations for any population group.

ATTACHMENT 17 - Deposition of laboratory analyst Chris Comar, 8/27/2014, page 13, line 18 through page 14, line 7, and pages 24- 25 –analyst explains he first analyzes the evidentiary sample and selects loci based on the analytical and 'homozygote' thresholds and records these on the chart. In this case, because of the type of item (a knife handle), he made no assumptions of the number of contributors. He compared the known reference samples and then determined which loci had the full contribution of both known reference samples and used those loci for the statistical calculations.

Technical Expert's Response:

The laboratory is analyzing the profiles with Gene Mapper and presumably evaluating the evidentiary profiles prior to the analysis of the known reference samples, based upon the dates on the Gene MapperID-X electropherograms/printouts. The dates on the electropherograms for the evidentiary samples (5.16.2014) and known reference samples (5/20/2014) are different. The Table of Alleles (laboratory Document Control Number CLSTR-14A) is a single document with the same date (5/20/14). It is unclear whether the evidentiary samples are evaluated before the known reference samples, based on the examination records provided. The documented procedure requires this step, and the analyst explained this practice in detail during his deposition testimony. In the review of the statistical calculations, it is clear that the laboratory used the known reference sample profile to further reduce the alleles/loci that were used for the statistical calculations, with one exception, which was later clarified by the laboratory. The laboratory did not add alleles/loci for statistical consideration based upon the comparison to the known reference samples.

The appropriateness of the laboratory's practice will be discussed as part of Allegation 2.

SUMMARY/DETERMINATION for ALLEGATION 1:

It was determined that there is insufficient evidence to prove the laboratory's procedure allows analysts to evaluate the genetic profiles of submitted known reference samples prior to making decisions about which DNA results from evidentiary samples are suitable for comparison to the known reference samples. The laboratory provided evidence that ***indicates*** *but does not* ***verify*** *that the evaluation of the evidentiary DNA profile results occurs prior to the evaluation of the known reference samples.*

It was determined that there is sufficient evidence that the laboratory's procedure requires/allows analysts to compare the genetic profiles of submitted known reference samples to those of the evidentiary samples prior to making decisions on which loci will be used to perform statistical significance calculations. The laboratory's management system does not include 2010 SWGDAM Guideline 3.6.2.1, which recommends that loci/alleles in the evidentiary sample be selected for statistical calculation purposes prior to comparison to the known reference samples.

The appropriateness of this part of the laboratory's procedure will be discussed in the next section pertaining to Allegation 2.

ALLEGATION 2:

The complainant alleges that the laboratory is improperly using the CPI calculation on genetic loci in which allelic dropout is occurring, when no assumptions are being made about the contributors (as in cases of defined intimate samples or with other expectations of known DNA being present). In the case cited as part of this complaint, the evidentiary profile is a mixed DNA profile with evidence of allelic dropout.

The complainant explains that:

"Allelic peaks below the laboratory's analytical and 'homozygote' thresholds and low level peaks indicate drop out. The CPI calculation is not just interested in the suspected known profiles peaks being fully represented, it relies on all possible contributors being represented and calculations for all possible allele combinations. The CPI is not suitable in situations where all the known profile alleles are fully represented but other non-attributable alleles which may be dropping out. The complainant alleges that this approach shows deep bias and results in a gross overestimation of statistical weight in low level, partial profiles." (3, 3a, 3b).

The complainant also opines that the laboratory's 'homozygote' threshold is being used as a stochastic threshold, contrary to the laboratory's response. It should be noted that the complainant was made aware of the laboratory's 12/28/15 response to ASCLD/LAB via the discovery process for the cited case (email record, 1/25/2016).

In the cited case, the complainant states that:

> "the profile should have been examined for alleles below the stochastic threshold, and loci where alleles were below the stochastic threshold should have been immediately unsuitable for statistical analysis. This was not done. Instead, even though the profile had alleles below the stochastic threshold all loci except **one**, calculations were performed at **five** loci ..." (3 and 3a).

Upon request of the investigator, the complainant later re-evaluated the electropherograms for sample 14, the results of which are as follows:

> "The D3 and vWA loci are the only ones, in my opinion, that do not exhibit visible signs of allelic dropout. But, I would decline to use them because there is drop out at the D19 locus, which is smaller than the vWA locus, and because there is visible drop out as early in the 120 mark, which would fall in the middle of the reported alleles at the D3 locus (16 allele @126) I would decline to use them all. Given the early evidence of allele drop out at ~120 and the rest of the obvious drop out in the profile, the likelihood of drop out at every locus is either obvious or highly likely, therefore the literature says a CPI calculation is not suitable for them, and the profile as a whole."

The complainant alleges the lab is non-compliant with SWGDAM Guideline 4.6.3 in this case because the laboratory used the CPI to calculate the statistical significance of occurrence at loci with some alleles which were below the laboratory's homozygote/single allele threshold of 750 rfu and/or with evidence of allelic dropout. SWGDAM Guideline 4.6.3 states:

> *"4.6.3: When using CPE/CPI (with no assumptions of number of contributors) to calculate the probability that a randomly selected person would be excluded/included as a contributor to the mixture,* ***loci with alleles below the stochastic threshold may not be used for statistical purposes to support an inclusion. In these instances, the potential for allelic dropout raises the possibility of contributors having genotypes not encompassed by the interpreted alleles.****"*

Laboratory's Summary Response:

In response to the allegation that the laboratory is using DNA data that is below a stochastic threshold, the laboratory stated that it does not use a stochastic threshold and does not use peak height ratio values to establish the presence or inclusion of a possible donor in a single source or mixture sample. Because the laboratory does not use a stochastic threshold based upon peak height, in order to meet SWGDAM Guidelines 3.2 and 3.2.1, the laboratory defers to SWGDAM Guideline 3.2.2 (which follows 3.2 and 3.2.1):

"3.2. Application of Peak Height Thresholds to Allelic Peaks

Amplification of low-level DNA samples may be subject to stochastic effects, where two alleles at a heterozygous locus exhibit considerably different peak heights (i.e., peak height ratio generally <60%) or an allele fails to amplify to a detectable level (i.e., allelic dropout). Stochastic effects within an amplification may affect one or more loci irrespective of allele size. Such low-level samples exhibit peak heights within a given range which is dependent on quantitation system, amplification kit and detection instrumentation. A threshold value can be applied to alert the DNA analyst that all of the DNA typing information may not have been detected for a given sample. This threshold, referred to as a stochastic threshold, is defined as the value above which it is reasonable to assume that allelic dropout has not occurred within a single-source sample. The application of a stochastic threshold to the interpretation of mixtures should take into account the additive effects of potential allele sharing.

3.2.1. The laboratory establishes a stochastic threshold based on empirical data derived within the laboratory and specific to the quantitation and amplification systems (e.g., kits) and the detection instrumentation used. It is noted that a stochastic threshold may be established by assessing peak height ratios across multiple loci in dilution series of DNA amplified in replicate. The RFU value above which it is reasonable to assume that, at a given locus, allelic dropout of a sister allele has not occurred constitutes a stochastic threshold.

3.2.2. If a stochastic threshold based on peak height is not used in the evaluation of DNA typing results, the laboratory must establish alternative criteria (e.g., quantitation values or use of a probabilistic genotype approach) for addressing potential stochastic amplification. The criteria must be supported by empirical data and internal validation and must be documented in the standard operating procedures."

The laboratory conducted a quantitation cut-off study and validation of a homozygote threshold. From these studies, the laboratory established two thresholds for interpreting DNA results. One is defined as an 'allele interpretation threshold' (analytical threshold) and is set at 400 rfus. Any peak below this level is not marked by the genetic analyzer software. The second is defined as a 'homozygote interpretation threshold' which is 750 rfus for any locus at which a single allele is present. Neither threshold is used as a stochastic threshold. Summaries of the two studies were provided and reviewed by the technical expert (Attachments 19 and 20).

The stated purpose of the cut-off study was to determine the minimal concentration of DNA from extracts of real casework samples that would yield a DNA profile suitable for CODIS upload. The laboratory confirmed this during the 2/17/16 telephone discussion that this concentration was determined to be 0.015 ng/ul; anything less than that was demonstrated to be 'junk.' (7)

The stated goal of the 'homozygote' threshold study was:

> "to examine that data from the validation study of the 3500 system performed January 2012 at the BSO and make recommendations on appropriate levels for data interpretation. Specifically signal intensities for three values….
>
> 1. Analytical threshold….
> 2. Stochastic threshold….
> 3. Limit of linearity…."

The summary concluded with the following:

> "The recommended analytical threshold is 400 RFU based on noise and pull-up percentage. The recommended stochastic threshold is 750 RFU based on PHR (peak height ratio-defined in previous section of summary) and recommended minimum input levels of DNA. The recommended limit of linearity is 20,000 RFU base on pull-up and linearity of dynamic range."

When questioned about this (Attachment 7), the laboratory stated that the researcher used the wrong terminology, because the resulting 'homozygote' threshold was based on a single source sample study for a single allele result generated from a 0.1 ng DNA input. The laboratory discussed this with the researcher at the time, but he did not feel he could change it, so the laboratory prepared a clarification memo to explain that this study did not establish a stochastic threshold because the data pertained to single source sample and not mixed DNA samples. The laboratory provided the memo (Attachment 21), which states the same, and adds that "allelic patterns and characteristics in single source samples are not maintained or consistent when the same sample is part of a mixture due to increased competitive amplification of target DNA across all the loci."

In response to the allegation that the laboratory is calculating the CPI using loci that exhibit allelic dropout, the laboratory stated in its 12/28/2015 response that it calculates CPI's for all inclusions in mixture samples using full donor contribution as the main rule (pursuant to SWGDAM 3.6.2.2, 3.6.3 and 3.6.4). The laboratory stated that this approach was formulated in consultation with and supported by experts in the field. (Attachment 22).

In response to the allegation that the laboratory is not-compliant with SWGDAM Guideline 4.6.3, the laboratory suggested that there may be differing or conflicting recommendations with the SWGDAM Guidelines:

> "When CPIs are calculated to support an inclusion call, guideline 4.6.3 states/suggests that loci with loci with data below the ST may not be used in the stats, but that guideline 4.6.3.1 states/suggests that data or alleles below threshold may be used for comparisons which include inclusions." (Guidelines follow for ease of reference):
>
> "4.6.3: When using CPE/CPI (with no assumptions of number of contributors) to calculate the probability that a randomly selected person would be excluded/included as a contributor to the mixture, loci with alleles below the stochastic threshold may not be used for statistical purposes to support an inclusion. In these instances, the potential for allelic dropout raises the possibility of contributors having genotypes not encompassed by the interpreted alleles.
>
> 4.6.3.1. Alleles below the stochastic threshold may be used for comparisons and/or to establish the presence of a mixture or male DNA (e.g., Y allele at amelogenin)."

The laboratory reiterated its concern these SWGDAM Guidelines, if followed, may be in conflict with ISO/IEC 17025 (2005) and Supplemental (2011 5.10.3.5, in that there may be discrepant and/or unclear reporting of meaningful statistics.

The laboratory responded that the procedures have been audited against the FBI QAS standards on a number of occasions, including those conducted during previous ASCLD/LAB assessments.

Technical Expert's Response:

It is unclear how the laboratory's 'homozygote threshold' is being used differently than a stochastic threshold, even though the laboratory claims it does not use a stochastic threshold or peak height ratio to make determinations for which loci to use for comparison or statistical purposes. Regardless, upon review of the Gene Mapper electropherograms/printouts and allele tables (10 and 11), the allele calls based on analytical and 'homozygote' thresholds appear to be correct. However, there is allelic dropout at a number of loci which indicates the potential for dropout at the loci which the analyst included in the statistical calculations (abbreviated as D8, D3, D13, vWA and D5). There are concerns about these and other loci (abbreviated as D7, D21, CFS1PO, TH01) which have unlabeled peaks and other apparent information above baseline that cannot be confirmed with the electropherograms provided. It is apparent that these peaks fall below the lab's analytical threshold, but are not marked, because of the instrument settings. Some are peaks that appear to be in stutter positions, but without documentation that these have been considered and ruled out as stutter, it is not clear that the lab considered the entire profile for potential allelic dropout.

It is unclear as to how the laboratory's claim of not using a stochastic threshold is supported by the validation summary that was provided (20). The summary provided appears to support the use of and provide for the laboratory a recommended stochastic threshold. It does not mention nor provide information supporting the use of a 'homozygote threshold.' There does not appear to be enough detail in the summary to verify what was done and to verify it with the clarification memo provided by the lab (21).

It is unclear as to how the lab's cut-off study meets the SWGDAM 3.2.2 guideline (and lab's response) to assess/evaluate the potential stochastic amplification effects. The stated purpose of the study was to determine if the DNA Unit 'could reasonably determine a cut-off value in which an examiner would be reasonably assured that a results would be obtained which would not be valid for CODIS….upload.' The summary of the study does not mention anything about stochastic amplification, nor is it clear how potential stochastic amplifications were considered, from the summary provided. Further, the laboratory's determination of the minimum concentration is not necessarily valid when dealing with mixtures of DNA, since the concentration of DNA from individual contributors cannot be known. In those instances, it may be necessary to have that minimum concentration from each contributor in the sample in order to be able to detect it at a suitable level.

The laboratory's justification to use the known reference standard profile(s) to make decisions on the statistical significance of the evidentiary sample is flawed, as it uses the CPI method of calculation. As referenced in SWGDAM 4.6.3 and by Butler (Attachment 25). In order to properly state the significance of occurrence of an evidentiary profile using the CPI with no assumption of the number contributors (as was with this case), the laboratory must not use loci in which there are alleles below the laboratory's established stochastic threshold, or in the laboratory's case, either the analytical threshold or 'homozygote' threshold, if one relies upon the two validation studies provided. In the cited case, there is evidence of allelic dropout and potential alleles that are below the laboratory's analytical threshold (at loci displaying multiple peaks). As stated in the first paragraph of this response, it is not clear if the analyst/laboratory appropriately analyzed these peaks for artifacts. Without the documentation of that consideration in the examination records provided, it is not clear if potential stochastic amplification effects were considered and ruled out. Given the extent of visible allelic dropout seen at the larger loci, it would be valid to consider the possibility of dropout at the smaller loci as well. With those considerations, some of the loci the laboratory used for statistical purposes based on its comparison to the known reference samples, might not be appropriate for that purpose.

The laboratory's definition of a conclusive locus (Attachment 16, and explained in Attachment 7, page 6-9) based upon, in part, the comparison to the known reference sample(s) is not /may not be appropriate, as it does not appear to include appropriate consideration of all potential genetic profiles and the possibility of allelic dropout.

Objective Evidence Provided and Reviewed:

ATTACHMENTs 13 and 13a – Sections 21 and 22, Analysis of STR Data – Control Samples and Analysis of STR Data – Samples, respectively: Sets forth the requirements of data analysis and evaluation, including the analytical and 'homozygote' thresholds.

ATTACHMENT 16 – Section 29, Statistical Evaluations of STR Results and CODIS: Sets forth the requirements for the statistical interpretations and calculations using the CPI.

ATTACHMENT 20 – 'Homozygote' Threshold Validation Study Summary: The validation summary submitted was a document prepared by an external researcher, Dr. Bruce McCord, using data provided by the laboratory as part of its validation of the ABI3500 genetic analysis instrumentation.

ATTACHMENT 19- CUT OFF (QUANTITATION) STUDY: A cut-off study was conducted to determine the concentration of DNA in a sample that could be used and obtain an uploadable CODIS profile. The summary provided showed that the cut-off study established a minimum concentration of 0.015 ng/ul.

ATTACHMENTs 10 and 11: case electropherograms, allele call sheets, test report and statistical calculations, previously described.

ATTACHMENT 17: transcript of analyst's deposition testimony, previously described.

ALLEGATION 3:

The complainant alleges that the statistical frequencies relied upon in the calculation of this case were outdated and inaccurate. The frequencies have since been updated. All calculations performed by the analyst at the laboratory were affected by these mistakes in the FBI database, which was acknowledged by analyst on page 27 of his deposition, lines 12-16. The statistical analysis of the samples in this case were done incorrectly according to the best practice in the field and as such should not be relied upon by the court.

Laboratory's Summary Response:

The laboratory acknowledged using the FBI database frequencies, has stopped using them, is using a revised version of the database, and has notified the appropriate legal authorities in the cited (and other) cases advising that it will re-calculate the statistics upon request. (ATTACHMENT 23). The laboratory's response did not include any additional information pertaining to the corrective action of this specific matter.

Objective Evidence Provided and Reviewed:

ATTACHMENT 17: deposition of analyst, pages 26 – 28. The analyst explained the laboratory's policy about recalculating the statistics upon request. It is noted that the attorneys acknowledge having received this information.

ATTACHMENT 23: laboratory letter to various state and county attorneys advises of the database frequency errors, the causes of the errors, the expected impact, the actions taken by the FBI, this laboratory, and other laboratories, and the notification that re-calculations on old cases will be done upon request with specified notification.

Technical Expert's Response:

The technical expert was not requested to provide input on this point of the allegation.

SUMMARY/DETERMINATION(S)

Allegation 1

It was determined that there is sufficient evidence that the laboratory's procedure to evaluate the genetic profiles of submitted known reference samples prior to making decisions about which loci upon which statistical significance calculations will be based is not appropriate, in that it has the potential to not fully recognize the genotypes of all potential contributors and the potential to overstate the statistical significance of occurrence of the evidentiary profile.

REQUIREMENT: "5.4.1: The laboratory shall use appropriate methods and procedures for all tests and/or calibrations within its scope. These include sampling, handling, transport, storage and preparation of items to be tested and/or calibrated, and, where appropriate, an estimation of the measurement uncertainty as well as statistical techniques for analysis of test and/or calibration data."

NONCONFORMANCE: The laboratory's procedure for calculating statistics on indistinguishable/unresolvable mixed DNA evidentiary profiles allows an analyst to select alleles/loci and to perform statistical calculations after considering the DNA profile results of the known reference samples submitted for comparison. While alleles/loci are first selected based on two interpretation thresholds, the laboratory's procedure then allows for the subsequent consideration of known reference sample profiles to make additional decisions about which alleles/loci in the evidence sample will be used for statistical assessment and calculation purposes. The laboratory's procedure does not require consideration of the full range of possible contributing genotypes at each locus, which could increase the number of potential contributors to an evidentiary profile.

Allegation 2

It was determined that there is sufficient evidence that the laboratory's procedure of:

1) *using a combination of an analytical and 'homozygote' threshold;*
2) *using the known reference sample profiles to select loci for statistical consideration and;*
3) *calculating a CPI statistical probability of occurrence based upon the full contribution of the known reference sample profiles;*

does not appear to sufficiently address the potential for allelic dropout, and does not appear to be supported by the validation summaries provided by the laboratory. The validation summary for the quantitative 'cut-off' concentration offered by the laboratory to support its conformance with the laboratory's stated compliance with SWGDAM 3.2.2 does not include information indicating that potential stochastic amplification effects were adequately considered. The validation summary for the laboratory's 'homozygote' threshold procedure includes a stochastic threshold which the laboratory is not using. While the laboratory provided an explanation for the terminology discrepancies in the validation summary, it remains unclear how the laboratory's studies address potential stochastic amplifications. The laboratory's procedure for using the known reference sample profiles does not appear to fully consider loci with apparent visible allelic dropout, which is required for the CPI calculation.

REQUIREMENT: "5.4.1: The laboratory shall use appropriate methods and procedures for all tests and/or calibrations within its scope. These include sampling, handling, transport, storage and preparation of items to be tested and/or calibrated, and, where appropriate, an estimation of the measurement uncertainty as well as statistical techniques for analysis of test and/or calibration data."

NONCONFORMANCE: The laboratory's procedure using the CPI calculation for evaluating the statistical significance of DNA mixture results does not appropriately require that loci exhibiting or having the potential for allelic dropout be excluded from use in the statistical calculations.

Allegation 3

It was determined that the laboratory used the FBI database involved in the large-scale non-conformance. It was determined from the laboratory's response that the appropriate legal representatives in this case (and others) have been notified regarding the FBI DNA population database errors, and have offered to re-calculate the statistics upon request.

COMMENTS

1. It is recommended that Attachment 7 be viewed as a more complete response to the complaint allegations and should be used in conjunction with the laboratory's 12/28/15 response.

2. It should be noted that both the complainant and the laboratory acknowledge that the topic of statistical calculations used to evaluate the significance of occurrence of DNA mixed profiles is under debate in the scientific community.

3. It is acknowledged that the validations and methods used by the laboratory have previously undergone review and assessment pursuant to FBI QAS requirements and this accrediting body's requirements and have been accepted as meeting relevant requirements during those reviews. The investigator did not request QAS audit records to verify this acknowledgement.

4. During a 2/5/16 telephone interview with the DNA Unit manager and technical leader, it was learned that the analyst, misspoke during the cited case deposition regarding the laboratory's allele threshold. In the deposition, the analyst stated that the analytical threshold the lab uses was 375 rfus, when it is 400 rfus. The error was a human error because the lab had previously used a 375 rfu threshold. This statement was reviewed and was determined to not be relevant to the complaint, nor have an impact on the case.

ATTACHMENTS AND REFERENCES

1 and 1a. Complainant's first and subsequent complaint allegation
2. Laboratory's first response to complaint allegations, 11/06/2015
3, 3a & 3b. Complainant's additional details to clarify allegation
4. Communication to lab regarding complainant's additional complaint allegation details
5. Laboratory's second response, 12/28/2015
6. DNA Unit – Analytical Methods Manual, Section 21, Analysis of STR Data-Control Samples.
7. Laboratory's memo to investigator, 2/19/2016
8 (R) *ISO/IEC 17025:2005 - General Requirements for the Competence of Testing and Calibration Laboratories*
9. 2010 SWGDAM Interpretation Guidelines for Autosomal STR Typing by Forensic DNA Testing Laboratories (2010, www.fbi.gov)
10. Examination records from cited case, State of Florida vs. John Paul Spencer, laboratory number 14-03320, including sample information worksheets and GeneMapperID-X electropherograms/printouts.
11. Test report, allele call sheets (laboratory Document Control Number CLSTR-14A) and statistical calculation from cited case, State of Florida vs. John Paul Spencer, laboratory number 14-03320.
12. DNA Unit – Analytical Methods Manual, Section 24, STR Results Table
13 DNA Unit – Analytical Methods Manual, Section 21, Analysis of STR Data – Control Samples
13a. DNA Unit – Analytical Methods Manual, Section 22, Analysis of STR Data - Samples
14. DNA Unit – Analytical Methods Manual, Section 26, Interpretations of STR Results: Non-Intimate Mixture Samples.
15. DNA Unit – Analytical Methods Manual, Section 28, Interpretations of STR Results – Inconclusive Results.
16. DNA Unit – Analytical Methods Manual, Section 29, Statistical Evaluations of STR Results and CODIS
17. Deposition of Chris Comar, laboratory DNA analyst, from cited case, State of Florida vs. John Spencer, laboratory number 14-03320,
18 (R). *ASCLD/LAB-International Supplemental Requirements for the Accreditation of Forensic Science Testing Laboratories* (2011 Edition)
19. Quantitation cut-off validation study summary, provided by laboratory: Plexor HY System Internal Cut-Off Validation, no date
20. 'Homozygote' threshold validation study summary, provided by laboratory: Evaluation of BSO DNA Data from ABI 3500 Validation Study
21. Clarification memo for 'homozygote' threshold validation study summary, 9/4/2014, provided by laboratory
22. Letter from laboratory consultants McElfresh, Tracey and McCord, Florida International University, 12/7/2015
23. Letter from laboratory to relevant legal community re: FBI population database allele frequency errors, 7/6/2015
24. Definitions of 'odds', unknown sources, provided by laboratory, 2/19/2016
25. Scanned pages from:

    a. Butler, John M. **Advanced Topics in Forensic DNA Typing: Interpretation**. Elsevier/Academic Press, 2015: 320-322.

    b. Evett, Ian W. and Weir, Bruce S. **Interpreting DNA Evidence: Statistical Genetics for Forensic Scientists.** Sinauer Associates, 2001: 16-17.

Carter Pereira, Claudine

From: Pamela Bordner <PBordner@ascld-lab.org>
Sent: Tuesday, April 12, 2016 2:35 PM
To: Carter Pereira, Claudine
Subject: allegation policy
Attachments: ASCLDLAB Allegation Policy.pdf

The ASCLD/LAB allegation policy is attached.

Pam

Pam Bordner, Executive Director
ASCLD/LAB
919-773-2600
919-773-2602 FAX
pbordner@ascld-lab.org
www.ascld-lab.org
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Carter Pereira, Claudine

From: Carter Pereira, Claudine
Sent: Tuesday, April 12, 2016 1:45 PM
To: Duncan, George; Tsingelis, Petros
Subject: Fwd: ASCLD/LAB Board decision on allegations
Attachments: 160412-BrowardSO-notification of Board decision.pdf; 160412-BrowardSO-Investigative Report-Board Reveiwed.pdf

Claudine Carter Pereira
Director-Crime Laboratory

954-831-3578 (w)
954-856-3627 (c)

Sent from my Sprint Phone.

----- Forwarded message -----
From: "Pamela Bordner" <PBordner@ascld-lab.org>
To: "Carter Pereira, Claudine" <Claudine_CarterPereira@sheriff.org>
Cc: "Laurel Farrell" <LFarrell@ascld-lab.org>, "'Coffman, David'" <DavidCoffman@fdle.state.fl.us>, "Tara Dolin" <tdolin@ascld-lab.org>
Subject: ASCLD/LAB Board decision on allegations
Date: Tue, Apr 12, 2016 12:33 PM

Director Carter-Pereira,

Attached to this email you will find a formal notice of the ASCLD/LAB Board of Directors decisions related to our investigation of allegations submitted by Tiffany Roy. A copy of the Investigative Report is also attached. As the letter states, you have until May 12, 2016 to provide me with the laboratory's corrective action plans related to the sustained allegations or alternatively, you can provide me with a request for a formal Board review. The current ASCLD/LAB policy on "Allegations Related to Accredited Laboratories and Their Employees" can be found here https://ascld-lab.qualtrax.com/Default.aspx?ID=1446

Please acknowledge receipt of this notification.

Best Regards,
Pam
Pam Bordner, Executive Director
ASCLD/LAB
919-773-2600
919-773-2602 FAX
pbordner@ascld-lab.org
www.ascld-lab.org
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Carter Pereira, Claudine

From: Carter Pereira, Claudine
Sent: Tuesday, April 12, 2016 6:35 PM
To: Duncan, George; Tsingelis, Petros
Subject: Re: ASCLD/LAB Board decision on allegations

Let's plan to discuss after the completion of our DNA proficiency cycle (May 8), so that we can send our initial response regarding the decision by the May 12th deadline.

Thanks,

Claudine Carter Pereira
Director-Crime Laboratory

954-831-3578 (w)
954-856-3627 (c)

Sent from my Sprint Phone.

----- Reply message -----
From: "Carter Pereira, Claudine" <Claudine_CarterPereira@sheriff.org>
To: "Duncan, George" <George_Duncan@sheriff.org>, "Tsingelis, Petros" <Petros_Tsingelis@sheriff.org>
Subject: ASCLD/LAB Board decision on allegations
Date: Tue, Apr 12, 2016 1:45 PM

Claudine Carter Pereira
Director-Crime Laboratory

954-831-3578 (w)
954-856-3627 (c)

Sent from my Sprint Phone.

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www.ascld-lab.org

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Carter Pereira, Claudine

From: Carter Pereira, Claudine
Sent: Thursday, May 12, 2016 4:02 PM
To: 'Pamela Bordner'
Cc: Laurel Farrell; 'Coffman, David'; Tara Dolin
Subject: RE: ASCLD/LAB Board decision on allegations

Good afternoon,

Upon receipt and review of the preliminary investigative report, we would like to request a formal Board review (or the current equivalent review process that now in place).

Please let me know how to proceed.

Thank you for your time and consideration.

Regards,
Claudine

Claudine Carter Pereira, MS, CLPE
Director - Crime Laboratory
Broward Sheriff's Office | www.Sheriff.org
201 SE 6th Street, N. Wing Rm 1799
Fort Lauderdale, FL 33301
tel: 954-831-3578 | tel2: 954-831-7320
cell: 954-856-3627| fax: 954-831-6138

How are we doing? Please provide us with your feedback:
https://www.surveymonkey.com/r/bsocrimelab

From: Pamela Bordner [mailto:PBordner@ascld-lab.org]
Sent: Tuesday, April 12, 2016 12:34 PM
To: Carter Pereira, Claudine <Claudine_CarterPereira@sheriff.org>
Cc: Laurel Farrell <LFarrell@ascld-lab.org>; 'Coffman, David' <DavidCoffman@fdle.state.fl.us>; Tara Dolin <tdolin@ascld-lab.org>
Subject: ASCLD/LAB Board decision on allegations

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Please acknowledge receipt of this notification.

Best Regards,

Pam

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pbordner@ascld-lab.org
www.ascld-lab.org

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Carter Pereira, Claudine

From: Pamela Bordner <PBordner@ascld-lab.org>
Sent: Thursday, May 12, 2016 5:56 PM
To: Carter Pereira, Claudine
Cc: Laurel Farrell; 'Coffman, David'; Tara Dolin
Subject: RE: ASCLD/LAB Board decision on allegations

Follow Up Flag: Follow up
Flag Status: Flagged

Claudine,

I am in receipt of your request for a formal Board review of the appeals. Due to the merger of ASCLD/LAB and ANAB, we have a new appeals procedure that can be found here https://ascld-lab.qualtrax.com/ShowDocument.aspx?ID=1768. Since the initial appeal was already heard, we will enter the new process at a level 2 appeal. The Accreditation Council is currently comprised of the former ASCLD/LAB Board of Directors so this will be very similar to the formal Board review that would have occurred under the previous appeals procedure.

I will appoint a panel to hear the appeal, provide you those names and contact you to set a date for the appeal hearing.

Best Regards.
Pam
Pam Bordner, Vice President
ASCLD/LAB
919-773-2600
919-773-2602 FAX
pbordner@ascld-lab.org
www.ascld-lab.org
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From: Carter Pereira, Claudine [mailto:Claudine_CarterPereira@sheriff.org]
Sent: Thursday, May 12, 2016 4:02 PM
To: Pamela Bordner <PBordner@ascld-lab.org>
Cc: Laurel Farrell <LFarrell@ascld-lab.org>; 'Coffman, David' <DavidCoffman@fdle.state.fl.us>; Tara Dolin <tdolin@ascld-lab.org>
Subject: RE: ASCLD/LAB Board decision on allegations

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Upon receipt and review of the preliminary investigative report, we would like to request a formal Board review (or the current equivalent review process that now in place).

Please let me know how to proceed.

Thank you for your time and consideration.

Regards,
Claudine

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Director - Crime Laboratory
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201 SE 6th Street, N. Wing Rm 1799
Fort Lauderdale, FL 33301
tel: 954-831-3578 | tel2: 954-831-7320
cell: 954-856-3627| fax: 954-831-6138

How are we doing? Please provide us with your feedback:
https://www.surveymonkey.com/r/bsocrimelab

From: Pamela Bordner [mailto:PBordner@ascld-lab.org]
Sent: Tuesday, April 12, 2016 12:34 PM
To: Carter Pereira, Claudine <Claudine_CarterPereira@sheriff.org>
Cc: Laurel Farrell <LFarrell@ascld-lab.org>; 'Coffman, David' <DavidCoffman@fdle.state.fl.us>; Tara Dolin <tdolin@ascld-lab.org>
Subject: ASCLD/LAB Board decision on allegations

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Attached to this email you will find a formal notice of the ASCLD/LAB Board of Directors decisions related to our investigation of allegations submitted by Tiffany Roy. A copy of the Investigative Report is also attached. As the letter states, you have until May 12, 2016 to provide me with the laboratory's corrective action plans related to the sustained allegations or alternatively, you can provide me with a request for a formal Board review. The current ASCLD/LAB policy on "Allegations Related to Accredited Laboratories and Their Employees" can be found here https://ascld-lab.qualtrax.com/Default.aspx?ID=1446

Please acknowledge receipt of this notification.

Best Regards,
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www.ascld-lab.org
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Carter Pereira, Claudine

From: Pamela Bordner <PBordner@ascld-lab.org>
Sent: Wednesday, June 15, 2016 10:45 AM
To: Carter Pereira, Claudine
Subject: ASCLD/LAB hearing scheduled

Importance: High

Director Pereira,

I have selected three members of the Forensics Accreditation Council to hear the Broward Sheriff's Office of the ASCLD/LAB Board of Director's decision related to the DNA complaint submitted by Ms. Tiffany Roy. All three panel members have a DNA background. Those members are:

- Catherine Knutson, Minnesota Bureau of Criminal Apprehension
- Erin Henry, Oklahoma State Bureau of Investigation
- Kathleen Corrado, Onondaga County Center for Forensic Sciences

Please let me know if you are aware of any conflict of interest.

The hearing is set for Tuesday, June 21, 2016. Is 9:30 AM an acceptable start time? We previously discussed 10:00AM, but the earlier time is necessary in order to ensure that all participants can be available for the necessary amount of time.

Your prompt response will be appreciated.

Best Regards,
Pam
Pam Bordner, Vice President, Forensics
ANAB dba ASCLD/LAB
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pbordner@ascld-lab.org
www.ascld-lab.org

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Carter Pereira, Claudine

From: Carter Pereira, Claudine
Sent: Wednesday, June 15, 2016 9:36 PM
To: Pamela Bordner
Subject: RE: ASCLD/LAB hearing scheduled

Good Evening Pam,

Sorry for the delay in getting back to you, I was out of the office most of the day today.

I am unaware of any conflict of interest and the 9:30 am start time is acceptable.
One quick question regarding the logistics of the hearing, will there be a conference line or WebEx set up to call into?

Please advise.

Thank you.

Best Regards,
C

Claudine Carter Pereira, MS, CLPE
Director - Crime Laboratory
tel: 954-831-3578 | tel2: 954-831-7320
cell: 954-856-3627| fax: 954-831-6138

From: Pamela Bordner [PBordner@ascld-lab.org]
Sent: Wednesday, June 15, 2016 10:44 AM
To: Carter Pereira, Claudine
Subject: ASCLD/LAB hearing scheduled

Director Pereira,

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Best Regards,

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Pam Bordner, Vice President, Forensics
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www.ascld-lab.org

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Carter Pereira, Claudine

Subject: Broward Sheriff's Office Appeal of Complaint Decision

Start: Tue 6/21/2016 9:30 AM
End: Tue 6/21/2016 11:30 AM

Recurrence: (none)

Meeting Status: Accepted

Organizer: Pamela Bordner

This meeting will be held using FUZE Meeting:
FUZE Connection Information:
http://fuze.me/33014154

Once connected you will be provided audio connection information. You can connect through speakers on your computer or by phone line.
The phone connection number will be:
201-479-4595 OR Toll-Free 855-346-3893
Meeting Room ID: 33014154

I have attached a brief document to help orient new users to the FUZE Meeting interface. Please make sure to use the Meeting Room ID listed above and not the one listed in the example on this document.

The hearing will proceed as follows:
•Introductions
• Presentation by the appellant, limited to 30 minutes
• Presentation by ASCLD/LAB, limited to 30 minutes
• Rebuttals, limited to 10 minutes for each party
• Questions by the panel
• Closing of the hearing, at which the chair shall:
o Make a formal projection regarding the expected time frame for communicating the documented final decision (normally not to exceed two weeks).
o Inform all parties that the appeal may be escalated to the next level of appeal within 30 days of receipt of the panel decision.
o Dismiss the parties.

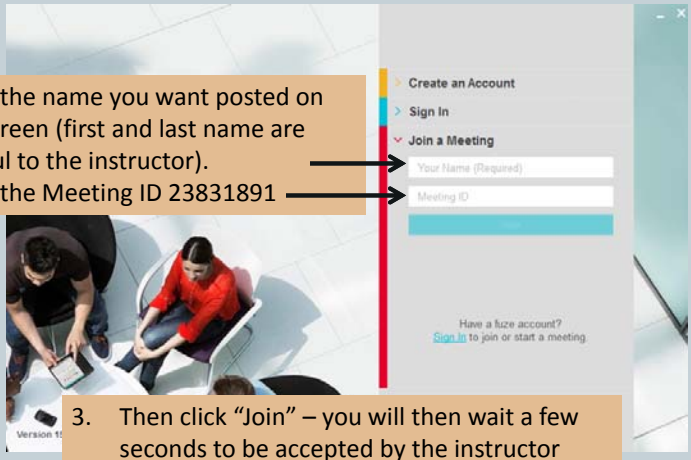
Fuze Meeting Interface

ATTENDEE

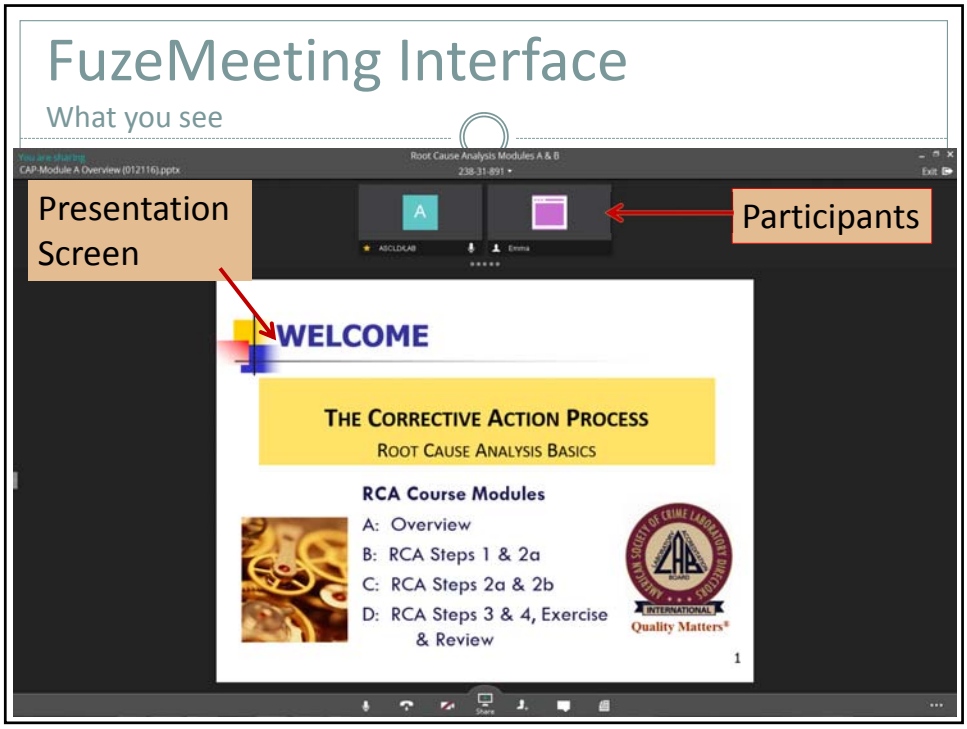
QUICK SCREEN ORIENTATION

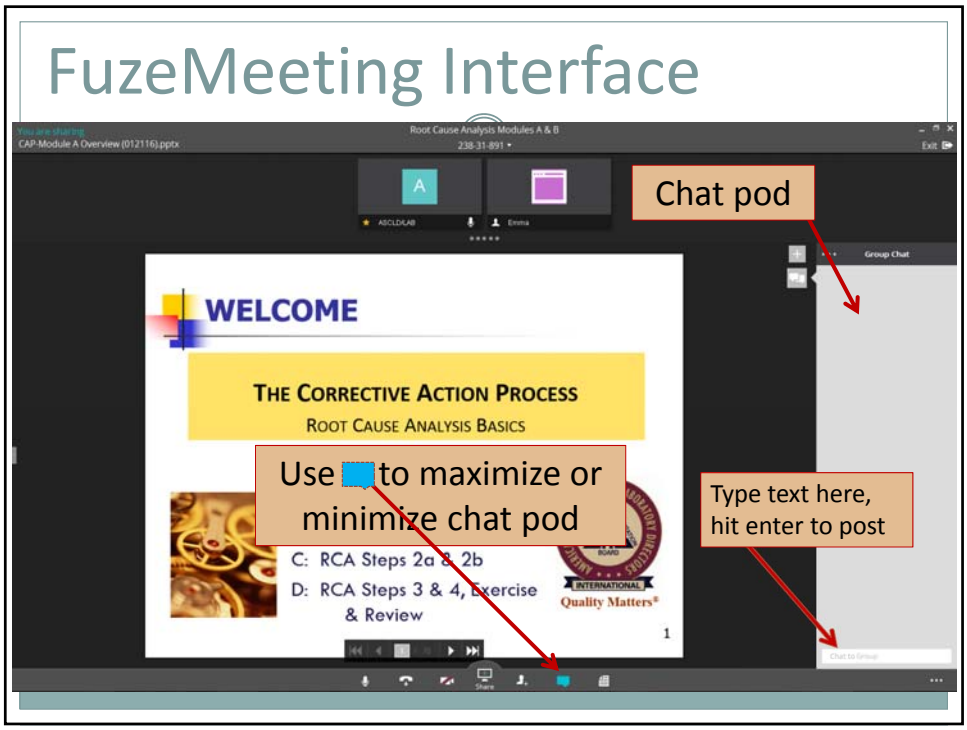
When you click on the invite link

Click Invite Link: http://fuze.me/23831891 You will be directed to this page.

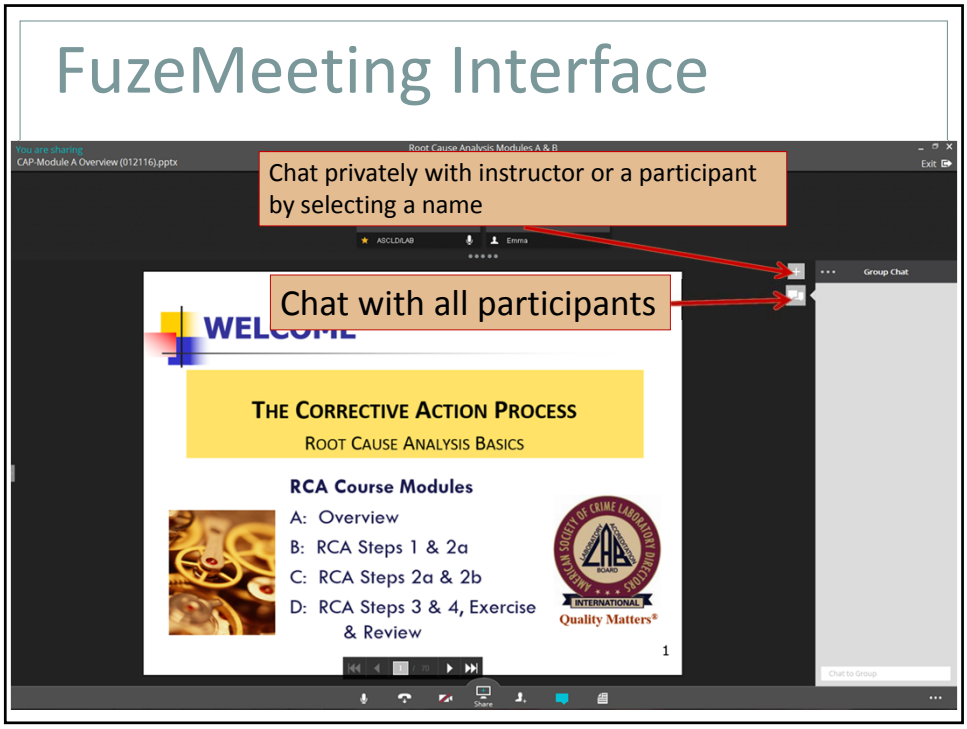


1. Enter the name you want posted on the screen (first and last name are helpful to the instructor).
2. Enter the Meeting ID 23831891
3. Then click "Join" – you will then wait a few seconds to be accepted by the instructor

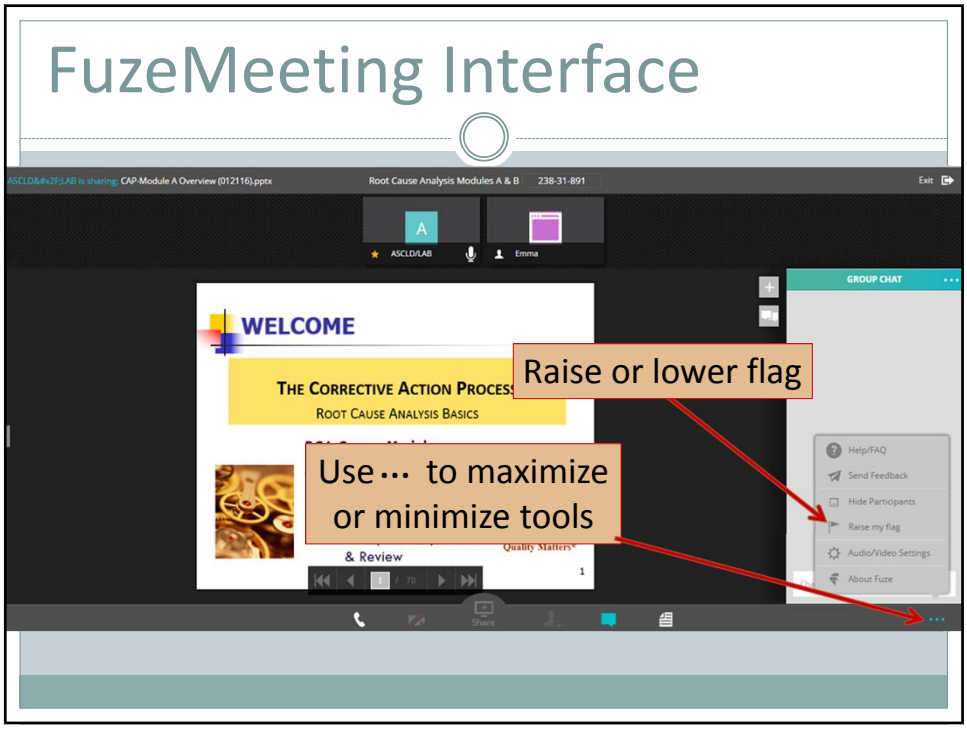

FuzeMeeting Interface
What you see
Presentation Screen
Participants
WELCOME
THE CORRECTIVE ACTION PROCESS
ROOT CAUSE ANALYSIS BASICS
RCA Course Modules
A: Overview
B: RCA Steps 1 & 2a
C: RCA Steps 2a & 2b
D: RCA Steps 3 & 4, Exercise & Review
Quality Matters
1


FuzeMeeting Interface
Chat pod
WELCOME
THE CORRECTIVE ACTION PROCESS
ROOT CAUSE ANALYSIS BASICS
Use to maximize or minimize chat pod
Type text here, hit enter to post
C: RCA Steps 2a & 2b
D: RCA Steps 3 & 4, Exercise & Review
Quality Matters
1

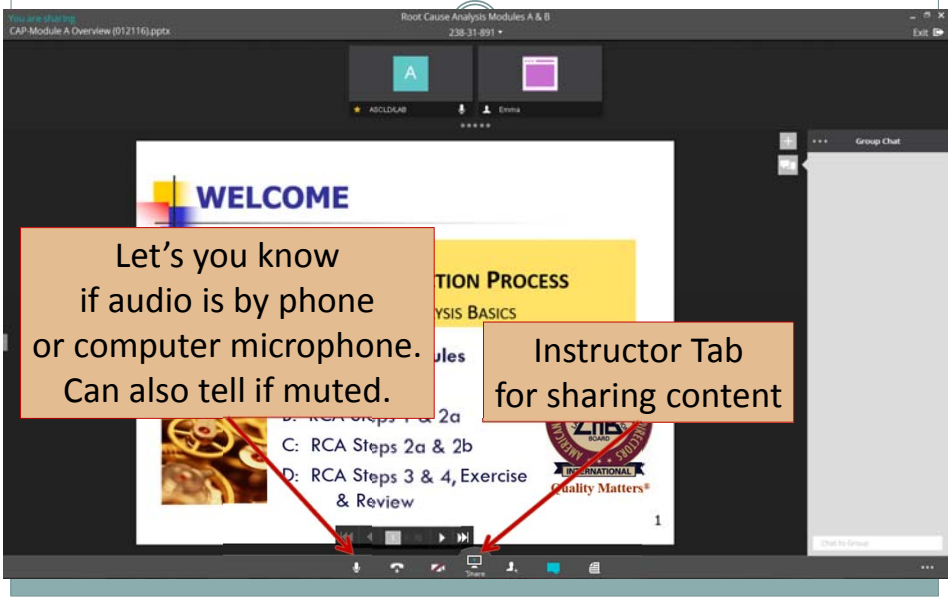
FuzeMeeting Interface



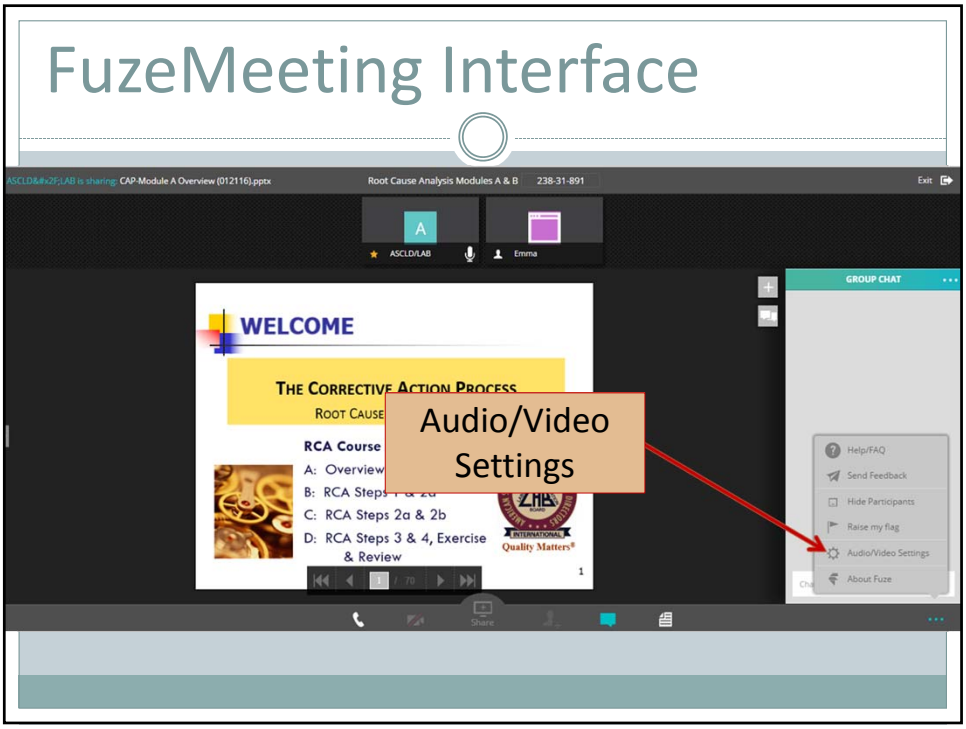
FuzeMeeting Interface

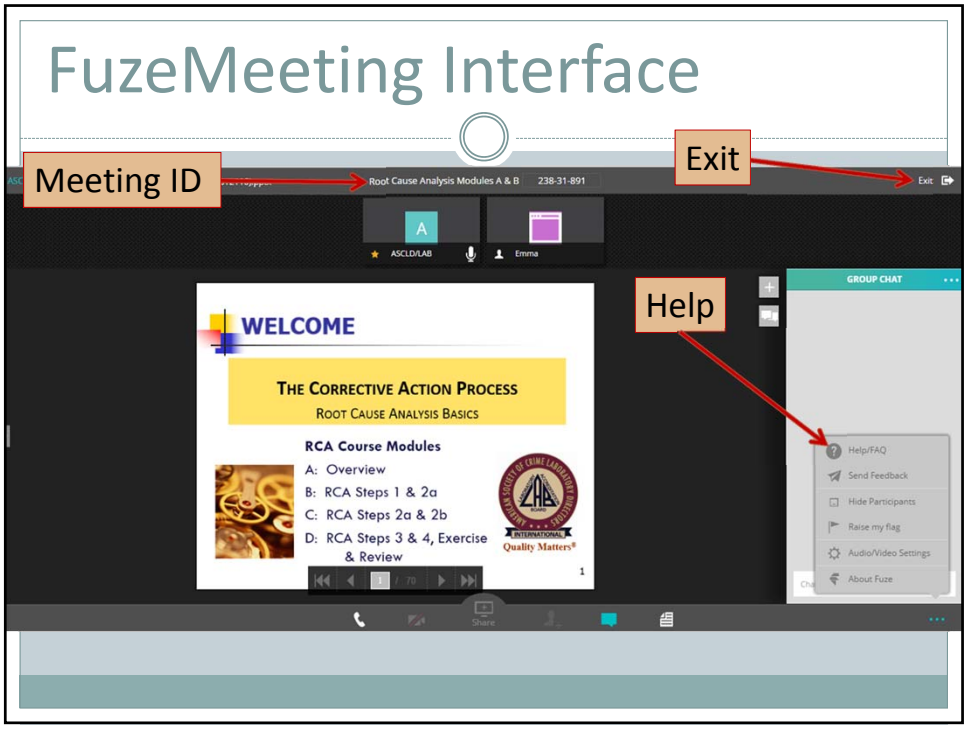


FuzeMeeting Interface



FuzeMeeting Interface




FuzeMeeting Interface
Meeting ID
Exit
Root Cause Analysis Modules A & B
238-31-891
Exit
ASCLD/LAB
Emma
Help
GROUP CHAT
WELCOME
THE CORRECTIVE ACTION PROCESS
ROOT CAUSE ANALYSIS BASICS
RCA Course Modules
A: Overview
B: RCA Steps 1 & 2a
C: RCA Steps 2a & 2b
D: RCA Steps 3 & 4, Exercise & Review
Quality Matters
Help/FAQ
Send Feedback
Hide Participants
Raise my flag
Audio/Video Settings
About Fuze

Carter Pereira, Claudine

From: Carter Pereira, Claudine
Sent: Tuesday, June 21, 2016 4:10 PM
To: pbordner@ascld-lab.org
Subject: FIU Letter
Attachments: 0664_001.pdf - Adobe Acrobat Pro.pdf

Hi Pam,

Thank you for your time today. I wanted to forward this letter to you and the board.

If you require anything further, please let me know.

Best regards,

Claudine Carter Pereira
Director-Crime Laboratory

954-831-3578 (w)
954-856-3627 (c)

Sent from my Sprint Phone.

FIU FLORIDA INTERNATIONAL UNIVERSITY

20 June 2016

To Whom It May Concern:

Last year we wrote to Director Claudine Carter Pereira expressing our support for the way the DNA section has designed and validated their protocols, and to express our concern that the allegations were filed by an individual who was an expert in an on-going case.

We have reviewed the responses crafted by the Technical Leader Petros Tsingelis, and we agree with his clarifications. Rather than add to his explanations, we simply offer to answer questions or amplify on any issues where the panel feels that our input would be helpful.

Respectfully yours,

.....

Bruce McCord PhD

.....

Kevin McElfresh PhD

.....

Martin Tracey PhD

DEPARTMENT OF BIOLOGICAL SCIENCES

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