Scientific Working Group on DNA Analysis Methods (SWGDAM) January 2022 Report

January 11-13, 2022

Virtual Meeting

I. Agenda:

Please see Attachment 1.

II. <u>Meeting Synopsis:</u>

Tuesday, January 11, 2022

The SWGDAM Chair, Mr. Anthony Onorato, acknowledged Ms. Tiffany Thoren from the Federal Bureau of Investigation's (FBI) CODIS Unit for her assistance with the virtual meeting.

TECHNICAL SESSION

The Chair introduced the keynote speaker, Dr. Ray Wickenheiser, Laboratory Director of the New York State Police Forensic Investigation Center. Dr. Wickenheiser mentioned the ASCLD comment on the NIST Draft Report and their invitation for NIST to view the available data on-site at the laboratories subject to a non-disclosure agreement and defined criteria for such evaluation and review. He described the mission of forensic science as maximizing the value of evidence.

Mr. Justin Presant (Assistant United States Attorney) and Ms. Lauren Lu (Michigan State Police) presented on their experiences in the case of *U.S. v. Gissantaner*. Mr. Presant was the prosecutor in the *Gissantaner* case and he explained that the laboratory work was performed in 2016, although the case was not concluded until 2021. He reviewed the following issues addressed by the courts: source code, peer review, standards and error rate, general acceptance, and likelihood ratios. Ms. Lu reviewed the following issues that were covered in the case: reliability, independent assessment, factor space coverage, and likelihood ratios.

Ms. Melissa Mourges with the Manhattan District Attorney's Office provided a legal update from the New York perspective. She noted that New York has a Forensic Science Commission and DNA Subcommittee and is a Frye jurisdiction although Federal District

Court is a *Daubert* jurisdiction. Ms. Mourges explained that there have been motions in her jurisdiction to exclude the DNA evidence citing to the draft NIST Report.

Ms. Enid Camps with the California Department of Justice presented a Legal Update on California. Ms. Camps reviewed the *Kelly* standard of admissibility in California as well as the various stages of a case and how to address issues at each stage. Ms. Camps noted the *Davis* case currently pending in California.

Ms. Dawn Herkenham with ECS provided an update on pending Federal legislation and probabilistic genotyping cases, including *State v. Watkins* and *State v. Hudson*. Ms. Herkenham also reviewed relevant reports.

Ms. Audra Bartels with the Federal Bureau of Investigation (FBI), Office of General Counsel presented on responding to motions. Ms. Bartels reviewed the following issues: peer review, error rate and general acceptance.

Mr. Ted Hunt, Special Counsel to the Science and Technology Branch of the FBI presented on Mixture Interpretation. Mr. Hunt reviewed the Federal Rules of Evidence and relevant cases on expert testimony, hypotheticals, likelihood ratios, verbal scales, validation and scientific standards.

There was discussion following the presentations.

Wednesday, January 12, 2022

UPDATE SESSION

The following Committees and Working Groups provided updates to the attendees: Autosomal, CODIS, Investigative Genetic Genealogy, Laboratory Operations, Next Generation Sequencing, Quality Assurance, and Rapid DNA. Dr. Douglas Hares is now Chair of the Rapid DNA Committee. See <u>https://www.swgdam.org/committees</u> (bottom of page) for Committee/Working Group update slides.

ROUND TABLE

The Round Table for the January meeting included presentations on the following topics: validation of probabilistic genotyping systems, factor space, foundational validity and likelihood ratios. The presentations were followed by discussion.

Thursday, January 13, 2022

TECHNICAL REVIEW SESSION

Ms. Dixie Peters, Chair of the SWGDAM Lineage Marker Committee provided an update on the Committee's activities. She noted that changes were coming for YHRD in the coming weeks and explained those changes relating to discrete Laplace for U.S. subpopulations. Ms. Peters reviewed the revisions to the YSTR Supplemental Information document in FAQs 17 and 19 as a result of the public comment. Additionally, Ms. Peters explained the YHRD notice for U.S. laboratories and responded to questions.

UPDATE SESSION

Mr. Carl Soberialski representing the Organization of Scientific Area Committees (OSAC), provided an update on the Biology/DNA SAC. He reviewed the new leadership at the Human Forensic Committee. Mr. Soberialski noted the OSAC and ASB documents open for public comments as well as the standards currently in review. In response to an inquiry, he noted that it was important to work on vocabulary so that the same terms are used consistently.

ROUND TABLE DISCUSSION CONTINUED

Dr. Michael Coble at the University of North Texas Health Science Center continued Wednesday's discussion on probabilistic genotyping systems.

UPDATE SESSION

Ms. Andrea Borchardt presented an update for the Bureau of Justice Assistance and their forensic suite of programs. Ms. Borchardt described the following grant programs and their status: Coverdell, CEBR, Prosecuting Cold Cases using DNA, SAFE-ITR, Post-conviction DNA Testing, Strengthening ME/Coroner Systems, and SAKI Testing. She also provided updates on BJA's National Training and Technical Assistance Center, their Forensic Training and Technical Assistance Program and Forensic Unit Outreach. Ms. Borchardt explained for the Coverdell grant program, that the funds cannot be used for forensic genetic genealogy or personal education.

Dr. Peter Vallone with the National Institute of Standards and Technology (NIST) provided an update on NIST activities. He noted that the Expert Working Group on Human Factors in Forensic DNA Interpretation has completed a draft and they have a survey for DNA Technical Leaders that was approved by the Office of Management and Budget. With respect to the draft NISTIR 8351 Report, Dr. Vallone noted that the authors

are reviewing the public comments and indicated in response to an inquiry that they are still looking at the question of whether additional data will be considered. Dr. Katherine Gettings provided an update on the following NIST activities: SRM 2391d; Kintelligence data; published software overview for sequencing data; multi-dimensional evaluation of the NIST 1032 samples; population data in NIST PDR; collaboration with the SWGDAM NGS Committee; ISFG DNA Commission on STR Sequence Nomenclature; and AAFS Workshop and Main Session presentations. Dr. Gettings also noted that the GRC on Forensic Analysis of Human DNA will be in June. Dr. Gettings also acknowledged the loss of their valued colleague, Margaret Kline.

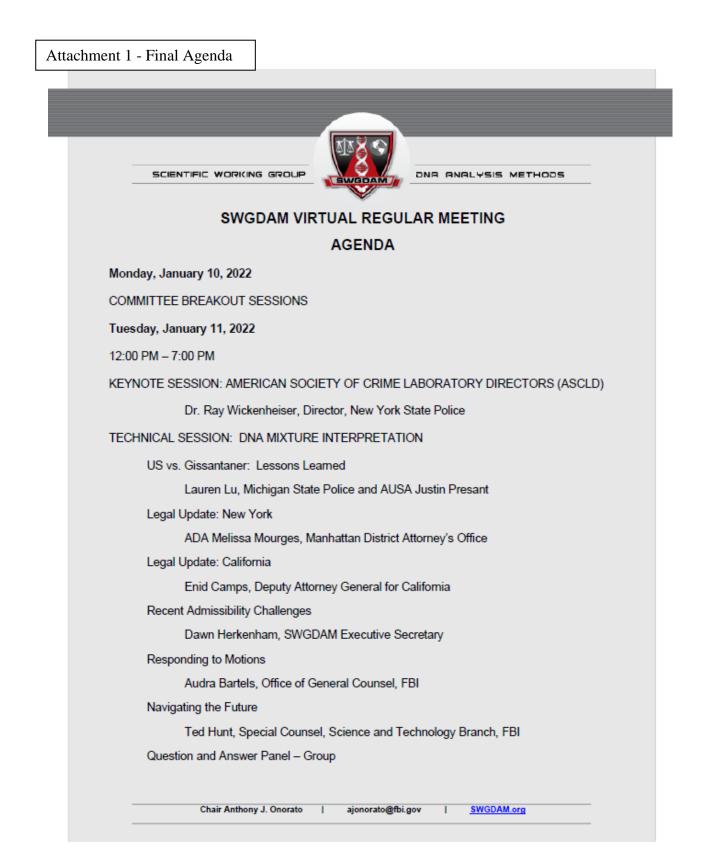
Ms. Tracey Johnson with the Office of Investigative and Forensic Sciences at the National Institute of Justice (NIJ) presented an update on NIJ activities. Ms. Johnson provided an update on the Forensic Science Public Labs Program and Forensic Science R&D Program. She highlighted several awards, including an FBI-NIJ Interagency agreement for evaluation/testing of the Rapid DNA enhancements described in the Letter to the Editor of FSI: Genetics. Ms. Johnson explained that there are TWGs for each of the discipline areas and those meet to put together recommendations for research and development needs.

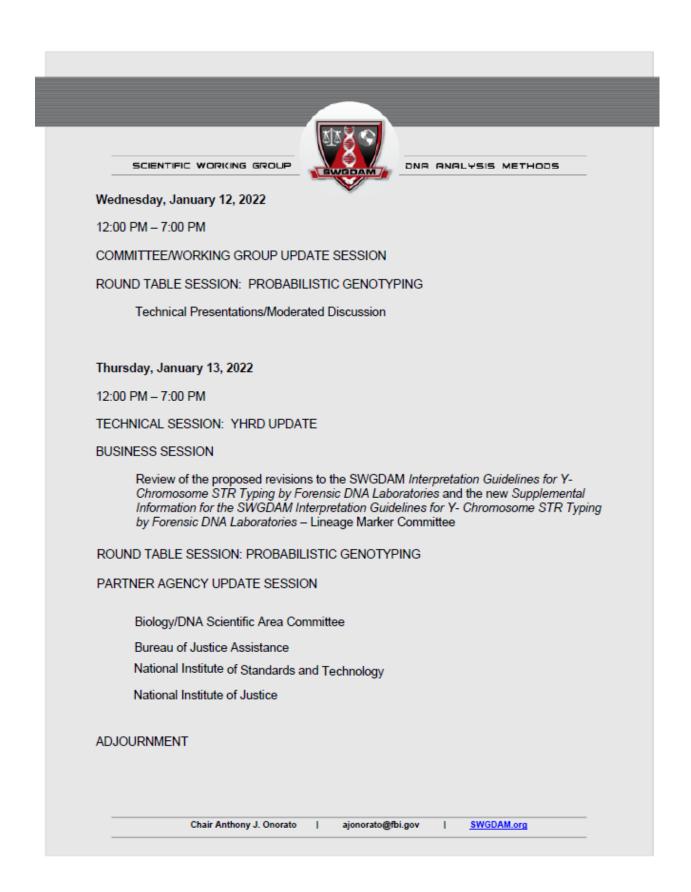
III. <u>Attendees:</u>

Please see Attachment 2.

IV. <u>Next Meeting:</u>

The next meeting will be held July 19-21, 2022.





Attachment 2 - Attendees

SWGDAM January 2022 Virtual Meeting January 11-13, 2022 Attendees SWGDAM Chair Anthony Onorato SWGDAM Vice Chair **Russell Vossbrink** SWGDAM Executive Secretary Dawn Herkenham SWGDAM Attendees Chris Askew Jack Ballantyne Suzanne Barritt-Ross Audra Bartels Tiffany Bazazzadegan Todd Bille Andrea Borchardt Thomas Callaghan **Enid Camps** Jocelyn Carlson Chris Carney Amber Carr Dorothy Catella Michael Coble Jerrilyn Conway James Corcoran Jennifer Coursey Brenda Danosky Angelo Della Manna Neil Fernandopulle **Connie Fisher Russell Gettig Katherine Gettings** Ann Marie Gross Lisa Grossweiler Jessica Hanna **Douglas Hares** Brian Harmon

Bruce Heidebrecht Joseph Hof **Bill Hudlow** Deedra Hughes Ted Hunt Jodi Irwin Jessica James Elizabeth Johnson Tracey Johnson Kristy Kadash Marla Kaplan Susannah Kehl Debbie Kennedy Ben Knoch Jason Kokoszka **Brandon Letts** George Li Eugene Lien Lauren Lu Beth Ann Marne Charla Marshall Justin Maxwell Barbara McCarty Amy McGuckian Scott McWilliams Gary Molina Shawn Montpetit Lilly Moreno Tamyra Moretti Melissa Mourges Ashley Murray Steven Myers Vanessa Nelson Mary Lou Nicholson Sarah Noel Jeff Nye Darrel Oubre Heather Parrish Walther Parson **Dixie** Peters Justin Presant **Evelyn Ridgley**

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Lutz Roewer Juliet Rolando Erica Romsos Lisa Schiermeier-Wood Peter Schneider Alyssandra Shaffer Phillip Simmers Rhalie Simmons Christie Smith Mark Smith Michael Smith Carl Sobieralski Melissa Suddeth Joel Sutton Tiffany Thoren Peter Vallone Jeanette Wallin Susan Welti Ray Wickenheiser Sascha Willuweit Richard Wilson Tiffany Vasquez Timothy Zolandz