

Houston Forensic Science Center, Inc.

VIRTUAL MEETING OF BOARD OF DIRECTORS

MINUTES

September 11, 2020

The undersigned, being the duly appointed secretary of the Houston Forensic Science Center, Inc., (“HFSC” and/or the “Corporation”) hereby certifies the following are true and correct minutes of the September 11, 2020 virtual meeting of the Board of Directors (the “board”) of the Corporation.

- A. In a manner permitted by the Corporation’s Bylaws, the meeting was called by providing all directors with notice of the date, time (instructions for Microsoft Teams access and call-in options) and purposes of the meeting more than three days before the date of the meeting.
- B. In accordance with Chapter 551, Texas Government Code and Governor Greg Abbott’s March 16, 2020 temporary suspension of certain provisions of the Texas Open Meetings Act, notice of this meeting was duly posted online to [www.houstonforensicscience.org](http://www.houstonforensicscience.org) on September 8, 2020 along with a free-of-charge videoconference link, dial-in phone number and an electronic copy of the agenda packet, as required.
- C. The virtual meeting on Microsoft Teams was called to order by Board Chairwoman Stacey Mitchell at approximately 9 a.m. on Friday September 11, 2020. She reminded directors to be mindful of audio delays, to unmute before speaking and to use the “raise hand” function in Microsoft Teams before speaking.
- D. Board Secretary Jordan Benton called the roll. The following directors were present: **Stacey Mitchell** (the chairwoman’s photo was visible in her icon during the meeting,) **Philip Hilder** (“PH,”) **Anna Vasquez** (“AV,”) **Francisco Medina** (“FM,”) **Janet Blancett** (“JB,”) **Lois Moore** (“LM,”) **Vicki Huff** (“VH,”) **Ellen Cohen** (“EC”) and **Tracy Calabrese** (“TC”)

Mary Lentschke was absent from the meeting. Chairwoman Mitchell declared a quorum.

- E. Chairwoman Mitchell announced that HFSC’s virtual board meeting was being held in compliance with Governor Greg Abbott’s temporary suspension of certain provisions of the Texas Open Meetings Act in response to the COVID-19 pandemic.
- F. Chairwoman Mitchell said the board agenda included an email address and phone number for members of the public to use to address the board. The chairwoman asked Secretary Benton if any members of the public wished to address the board. Ms. Benton said no one had requested to address the board. The chairwoman opened the meeting for public comment. No one addressed the board. Chairwoman Mitchell said she would close the public comment period later in the meeting.
- G. Chairwoman Mitchell asked if any changes needed to be made to the August 14, 2020 board meeting minutes. No directors had changes. Director Hilder made a motion to approve the minutes. Director Medina seconded the motion. Secretary Benton called the roll. The following

directors were in favor: Stacey Mitchell, Philip Hilder, Anna Vasquez, Francisco Medina, Janet Blancett, Lois Moore, Vicki Huff and Ellen Cohen. With none opposed, the motion passed unanimously.

- H. Chairwoman Mitchell presented a chair's report. In commemoration of the lives that were lost during the September 11, 2001 terrorist attack, Chairwoman Mitchell asked for a moment of silence. She again asked Secretary Benton if any members of the public had joined the meeting to address the board. No one requested to speak, and the chairwoman closed the public comment period.
- I. Mr. Darrell Davis, technical advisory group member, and Dr. Erick Jones, professor and associate dean for graduate studies in the College of Engineering at the University of Texas at Arlington, gave an informational update to the board about their plan to develop "smart" evidence containers. The containers will use artificial intelligence to track and create a tamper-resistant environment that protects the integrity of the evidence. Mr. Davis and Dr. Jones are in the process of obtaining support and funding for the container's design and creation. Director Hilder asked where the containers would be deployed. Mr. Davis said a lab will be setup at the University of Texas at Arlington, but the project is still in its preliminary stages. Mr. Davis said law enforcement uses plastic, paper and cardboard containers. His goal is to create containers that could hold evidence, protect it from the elements and eliminate the carbon footprint of the packaging currently used. Director Hilder asked when the project will be completed. Dr. Jones said he and Mr. Davis are in the preliminary stages of development and seeking support for the project. Dr. Jones said they would like to collaborate with the Department of Justice or the National Institute of Standards and Technology, but the project does not have a deadline. In response to a question from Director Blancett, Dr. Jones said the containers would be powered by a thin battery. Dr. Jones said funding is the biggest obstacle to the creation of the smart evidence containers. Director Hilder asked about the anticipated cost of the project and if HFSC had to contribute funds. Dr. Jones said the final cost is unknown and depends on the type of technology that would be used in the final product. He said HFSC could provide \$2,500 to formalize its collaboration in the development of the containers.
- J. Director Cohen experienced technical difficulties at about 9:06 a.m. and rejoined at 9:16 a.m. Director Vasquez experienced technical difficulties at about 9:13 a.m. and dropped from the meeting numerous times. A quorum was maintained despite the technical difficulties.
- K. Dr. Peter Stout, HFSC's CEO and president, said the latent print section's rising turnaround time is indicative of the section working through its backlog since turnaround time is calculated from the date a request is received. He said the toxicology section has significantly increased its output and commended the section for addressing its backlog despite challenges presented by the pandemic. Dr. Stout said the findings of HFSC's annual financial audit, comprised of an audit of both corporate finances and federal grant dollars, would be presented in October. HFSC continues to recruit during the pandemic, Dr. Stout said the lab currently has 203 employees with several new offers accepted. He said HFSC is having difficulty finding an experienced DNA analyst and he suspects it may be to the result of analysts shifting from a forensic lab setting to clinical during the pandemic. Dr. Stout said three internal applicants applied for the latent print manager position and the toxicology section has more interviews scheduled for its open position. Dr. Stout said he met with Harris County Commissioner Adrian Garcia about property and evidence management, adding that he is supportive of the

idea. At the August 14, 2020 board meeting, Dr. Stout presented a 10-step plan to consolidate city and county property functions to increase efficiency across the justice system. HFSC staff have also presented multiple times in recent months, nearly always virtually, including Ms. Akilah Mance, HFSC's general counsel, who presented on the impacts of the pandemic on crime labs and the Harris County legal system to Southern Methodist University law school's Deason Criminal Justice Reform Center. Dr. Stout said HFSC's annual symposium will be virtual this year and the lab has partnered with the University of Pennsylvania's Quattrone Center titled "Criminal Justice Reform and Forensics: The Importance of Evidence." HFSC also responded to Hurricane Laura and closed on Thursday August 28 Dr. Stout said it took a full day for staff to prepare, which included shutting down and covering instruments, which, impacted production. However, Dr. Stout added that operational changes made because of the pandemic allowed staff to work productively from home so the facility shutdown was less impactful than it would have been previously. Dr. Stout said HFSC issued a press release, and received some media coverage, after it launched a new testing method that distinguishes hemp from marijuana. The testing method gives a cutoff point of one percent delta-9 tetrahydrocannabinol, or THC, in plant material. Dr. Stout said HFSC collaborated with other labs in the state to validate the testing method, but the ongoing discussion with state legislators would continue since the method is not validated for non-plant items, such as edibles, vapes or waxes. Testing such items will likely require new, more expensive instruments. Dr. Stout said there are 15 marijuana cases from the past 15 months that the seized drugs section will now be able to complete using the new method. Dr. Stout updated the board about the crime scene unit, noting that homicide rates continue to increase in Houston. In August, rates increased by 32 percent compared to August 2019. Houston ranks fifth nationally for highest year to date increase in homicides. Dr. Stout said the vehicle examination building's renovation construction would begin next week and would include some security improvements. He said he is optimistic the project will stay on its projected timeline. Dr. Stout said the lab is also working with the City of Houston to secure federal funding to cover some COVID-19-related expenses, including continued weekly testing for staff. Dr. Stout said no additional staff have tested positive for COVID and they remain supportive of getting tested. He added that COVID-19 federal funding would also help the lab make IT improvements so staff can work more securely from a remote environment. Federal funds will also help with toxicology outsourcing, since the pandemic has impacted training and instrument validation.

- L. Chairwoman Mitchell said Director Vasquez left the meeting at 9:45 a.m. The board still had a quorum.
- M. Dr. Stout presented HFSC's 2021 priorities and performance objectives as required in the terms of his contract. He said the goals did not change drastically from last year but pointed out that all sections will be required to complete 80 percent of their monthly one-on-one meetings. This goal has had a positive impact on HFSC's culture and creates better engagement between staff and their managers. Dr. Stout said the lab's goal of maintaining a 12 percent or less voluntary turnover rate would remain and that last year it was about 6 percent. The third goal is for HFSC staff to complete a minimum of 16 continuing education hours, which is a combination of OSAC, or the Organization of Scientific Area Committees, and Texas Forensic Science Commission (TFSC) standards. Dr. Stout reminded the board that it had passed a resolution for HFSC to voluntarily adopt OSAC standards. The lab's production goal changed the most. Dr. Stout said the production goals separated out support sections, such as finance, IT and human resources, so they could manage their individual contributions. Dr. Stout said the

lab's former goal to reduce both the overall turnaround time and section backlogs conflicted with one another since the turnaround time increases as backlogs are eliminated. This is because a case's turnaround time is calculated from date of receipt. Those goals have now been separated, and Dr. Stout said the 2021 goal proposes now an analysis turnaround time, or how long it takes for the actual testing of a case to be completed. The goal will pair between the analysis turnaround time and the average age of open requests. The average of open requests will provide stakeholders some context regarding backlogs and an anticipated time for completion. However, since stakeholders really care about turnaround time from the moment a request is made, the average overall turnaround time will still be publicly presented at least biannually. The analyst or examiner is in control of the analysis time, which currently averages about 15-20 days. Dr. Stout said backlogs will be measured on a semi-annual basis, and that foresight data ranks HFSC in the 10<sup>th</sup> percentile nationally, indicating HFSC is doing relatively well compared to other crime labs. Dr. Stout said the new metric's wording will be finalized by the end of September, but could read like, "The lab average is 19 days for analysis turnaround time and has a 12 percent reduction of average age of open requests." Director Blancett asked how the new metric would be presented and Dr. Castillo said she is building new board and company dashboards to showcase the data. She added that the overall turnaround time for each section would still be presented. Dr. Stout requested board approval for the 2021 proposed list of annual priorities. Director Cohen made a motion to approve. Director Blancett seconded the motion. Secretary Benton call the roll and the following directors were in favor: Stacey Mitchell, Philip Hilder, Francisco Medina, Janet Blancett, Lois Moore, Vicki Huff and Ellen Cohen. With none opposed, the motion passed unanimously.

- N. At approximately 10:31 a.m., Director Calabrese left the meeting.
- O. Dr. Castillo commended staff for continuing to work on the backlog despite changes made due to the pandemic, such as split shifts and a reduction of staff onsite. The lab's overall backlog decreased in August despite disruptions caused by Hurricane Laura. Dr. Castillo said the benefits of staff being equipped to work from home due to the pandemic proved useful during Hurricane Laura and will certainly continue to be useful going forward. The seized drugs section was most impacted by the Hurricane Laura shut down but is recovering. Dr. Castillo said the forensic biology/DNA section will be the focus of the October board meeting. The section has been reviewing cases completed by vendor laboratories for upload into the national DNA database, reducing a backlog of more than 1,000 cases before the pandemic to 131 at this time. Dr. Castillo said the toxicology section's manager, Dr. Dayong Lee, would go into detail about the section's three-year plan in her report. Meanwhile, Dr. Castillo explained the process. When a toxicology kit is received, the client services and case management division accessions the kit or ensures the submission information is accurate. An analyst first analyzes the blood sample for alcohol content to determine if it is above the legal limit for driving. If the sample is above the legal limit, indicating impairment, testing stops, and a report is issued. However, in some instances, such as fatalities, the sample will move to the second step regardless of the alcohol content. The second step is drug screening. Samples that are below the legal limit for alcohol impairment are screened for drugs. Nearly all drug screening, about 90 percent, is done in house. However, the next step in the process, drug confirmation, has been done by a commercial laboratory since June 2018 when it became clear HFSC would need new instruments to effectively perform the complex testing. Dr. Castillo said the section

currently has backlogs in blood alcohol, drug screening and drug confirmation testing. Dr. Castillo said the backlogs are in part a result of a 41 percent increase in requests between 2017 and 2019. The five additional positions funded by the City of Houston in the 2021 budget will help address the increased demand. In response to a question from Director Huff regarding whether the section prioritizes cases, Dr. Castillo said the goal is to work first-in, first-out, but HFSC does respond to stakeholder requests to prioritize certain cases.

- P. Dr. Castillo asked the board to approve the lease of a third LC-QQQ instrument for the toxicology section. The section is currently validating two previously leased LC-QQQ instruments, used primarily for drug confirmation testing. The two LC-QQQ instruments currently being validated will be dedicated to casework and the third will be used to validate new methods for additional drugs, avoiding the need to send requests to a commercial laboratory. The section also needs a backup instrument to continue working in the event there are issues with one of the other LC-QQQs. Dr. Castillo and Mr. David Leach, HFSC's CFO and treasurer, confirmed for Director Blancett that the lease cost for the third instrument is included in the budget. Mr. Leach told Director Hilder the lab opted to lease the instrument rather than purchase it to remain flexible in the event the technology becomes outdated. He said there is a purchase option in the agreement.
- Q. Dr. Lee outlined the toxicology section's three-year plan, noting the section carries about 30 percent of HFSC's overall caseload, comprised primarily of driving while intoxicated and drug facilitated crime investigations, including sexual assaults. The toxicology section has 16 staff and three new hires will join in the near future. Dr. Lee said the section's long-term goal is to maintain a 30-day turnaround time while maintaining quality, cross-training analysts and driving professional development. Dr. Lee said the implementation of a new laboratory information management system, installing new instruments and moving to a new facility had slowed the section's ability to implement change. However, now that there is some stability and the section has restructured to appoint three supervisors, each overseeing one part of the three-part testing process, they can do longer-term strategic planning. Dr. Lee said additional staffing and cross-training will allow for long-term sustainability. The three-year plan includes developing new testing methods, expanding analytical capability, adding and replacing instruments, training and publishing papers. Dr. Lee said the three-year plan will be monitored and updated as it is implemented. Already in the first and second quarters of 2020, the section successfully moved to the new facility shifted to a paperless review process in response to the pandemic and added supervisors. In the third quarter, the section will expand the number of alcohol analysts and reviewers and hire new staff. By the end of 2020, the section will have validated drug confirmation methods and installed the third LC-QQQ. In the first quarter of 2021, the section will train more analysts on drug screening and review and optimize the program. The section will eliminate the alcohol backlog by April 2021. In the third and fourth quarters of 2021, the section will install a second drug screening instrument, expand the drug screening group, and train more drug confirmation analysts and reviewers. In 2022, the section will continue training analysts to do drug confirmation testing and purchase and install a third instrument used in blood alcohol analysis. By the end of 2022, the section will have eliminated its drug case backlog. In 2022, the section will also purchase and install another new

technology, called LC/Q-TOF, which will allow it to expand its drug testing capabilities and meet OSAC standards that require lower detection limits for drugs. Dr. Lee said the three-year timeline is ambitious and does not necessarily account for disruptions, but it will be updated accordingly.

- R. Ms. Erika Ziemak, quality division director, said in August the division met all but one blind quality control goal. The blind quality control program celebrated its five-year anniversary on September 3. By then, 1,989 blind cases had been submitted across six sections. Ms. Ziemak said quality specialists will present on the blind quality program to students at Virginia Commonwealth University and to a training organized by the Association of Forensic Quality Assurance Managers. Ms. Ziemak said a multimedia analyst discovered a blind last month. She reported that the analyst was able to determine the case was a blind due to abnormal tonal values seen in an image of license plate. Ms. Ziemak said the discovery speaks to staff members' knowledge. Chairwoman Mitchell congratulated the lab on its successful blind quality control program. Ms. Ziemak said HFSC continues to adopt and implement OSAC standards. CSU and seized drugs are in compliance with two OSAC standards each. Ms. Ziemak said the multimedia and latent print sections are close to meeting requirements that pertain to their work. The toxicology section is determining what is required for it to meet a newly published OSAC standard pertaining to its work. The forensic biology/DNA and digital and multimedia sections each have three standards they must meet. Ms. Ziemak said sections have one year to achieve and document compliance after an OSAC standard is published. Ms. Ziemak said HFSC is reviewing 12 transcripts as part of its transcript review program. She shared a transcript excerpt with the board from an analyst who spoke about HFSC's blind quality control program while testifying. The excerpt will be shared with all staff to encourage the incorporation of this information into their testimony. Ms. Ziemak said the quality division will work on finding ways to gain additional value from transcripts. Ms. Ziemak reminded the board that in July the Texas Forensic Science Commission discussed HFSC's disclosure involving a former crime scene investigator that testified beyond the scope of his expertise. TFSC closed the incident and commended HFSC in its final documentation, stating "the lab discovered the issue as a result of a proactive and commendable transcript review program." Ms. Ziemak said Harris County jury trials are suspended through October 1. Twenty-three analysts have testified this year, three remotely. Three analysts have not been monitored as required by accreditation and transcripts will be requested to fulfill the requirement.
- S. Chairwoman Mitchell requested a motion to adjourn the meeting. Director Moore made a motion to adjourn. Director Medina second the motion. The meeting ADJOURNED at approximately 11:07 a.m.

By: Jordan Benton

Jordan Benton Secretary