

Houston Forensic Science Center, Inc.

VIRTUAL MEETING OF BOARD OF DIRECTORS

MINUTES

April 9, 2021

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 April 9, 2021 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 April 6, 2021 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 9:00 a.m. on April 9, 2021.
- D. Interim Board Secretary Ashley Henry called the roll. The following directors were present: Stacey Mitchell, Mary Lentschke, Philip Hilder, Francisco Medina, Janet Blancett, Ellen Cohen, Vicki Huff and Tracy Calabrese. Chairwoman Mitchell declared a quorum.

The following directors were absent: Anna Vasquez, Lois Moore

- E. During the meeting Director Medina experienced technical difficulties, which caused him to briefly drop and then rejoin the meeting in a timely manner. At no point in time was a quorum lost.
- F. Chairwoman Mitchell said 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.
- G. Chairwoman Mitchell gave members of the public an opportunity to address the board. She stated the meeting agenda provided the public with an email address and phone number to sign up for public comment in advance. The chairwoman asked Secretary Henry if any members of the public wished to address the board. Ms. Henry said no members of the public had requested to address the board. The chairwoman opened the

meeting for public comment. No one addressed the board. Chairwoman Mitchell closed the public comment period at approximately 9:03 a.m.

- H. Chairwoman Mitchell asked if changes needed to be made to the March 12, 2021 board meeting minutes. No directors offered changes. Director Huff made a motion to approve the minutes. Director Blancett seconded the motion. The chairwoman called for a voice vote and the motion passed unanimously.
- I. Chairwoman Mitchell stated it had been one year since the board began holding virtual meetings. She said she was amazed by staff member's flexibility and resilience and is excited to see HFSC phasing back to full onsite work.
- J. Dr. Peter Stout, president and CEO, said toxicology completed an extraordinary number of requests in March. He said there are shifts from breath testing to blood draws, which coincides with increasing requests for toxicology analysis. He said HPD received a grant to train more drug recognition experts (DREs) and that increase would likely lead to even more requests for toxicology testing. Dr. Stout commented on the lab's March productivity, noting the 2,400 requests completed was the highest in the past 24 months.

Dr. Stout stated there are seven open positions, four are active vacancies and two are on hold. Three recruits have accepted offers. In response to a question from Director Cohen, Dr. Stout said the position for public information officer/board secretary had been posted. He moved on to highlight March outreach activities for himself and staff. He said he and staff actively participate in HPD training, including to new cadets. Dr. Stout then spoke about the book *Autopsy of a Crime Lab* by Brandon Garrett and said directors should have received copies. He encouraged all to read the book and said while it is not only about Houston, the city is mentioned several times. Chairwoman Mitchell commented on HFSC's progress and noted support from the City of Houston and others.

Director Vasquez joined the meeting at approximately 9:20 a.m.

Dr. Stout discussed issues in the Washington, D.C. crime laboratory's firearms section. He said HFSC only has access to publicly available information. Based on that, it appears a firearms examiner incorrectly identified a cartridge casing as an inclusion and that multiple examiners initially agreed with that conclusion. The U.S. Attorney's Office then requested external examiners to review that finding, though it is unclear why. The external examiners disagreed with the original findings and instead reported exclusions. Dr. Stout said according to court filings, it appears D.C. lab examiners again reviewed the case and although they agreed with the external experts that the casings should be excluded, lab management pressured them to report their finding as inconclusive. He said on April 2, 2021, ANAB, the DC lab's accrediting body, suspended the entire laboratory's accreditation. In response to a question by Director Blancett, Dr. Stout said there is no federal equivalent to the Texas Forensic Science Commission. Dr. Stout explained the DC lab and HFSC are held as examples of independent labs. Although both were pulled out from law enforcement, Dr. Stout said the DC lab is different because it is a city department, the lab director reports to the mayor and its budget is approved by

Congress. The DC lab's shutdown poses challenges for the courts, since they now must find other labs to conduct casework, he stated.

Director Blancett asked whether the lab's structure contributed to the shutdown. Dr. Stout responded DC's forensic and health labs are part of the same department and are housed in the same building, making it more complex. Dr. Stout named issues that have drawn attention: pressure on analysts to change their opinion, findings misrepresented to external agencies and attempts to withhold documents. He stated the investigation by the Office of Inspector General questioned the entire lab's reliability, which may have led ANAB to suspend accreditation. He said it may have less to do with the laboratory's structure. He mentioned the entire forensic community is impacted when something like this occurs and all spend time recovering. Dr. Stout discussed HFSC processes that may prevent a similar event here. He said from the board down, HFSC promotes transparency, an effort supported by the state's disclosure law, the Michel Morton Act. He said the firearms section has checks and balances, including documentation of images and worksheets that require individual credentials to access the storage system, creating an audit trail within the software. In addition, policies around reviews of cases and images ensure proper documentation. Firearms also has a documented conflict resolution process and the disagreement becomes part of the case record, he added.

Dr. Stout said the 3D microscope HFSC is purchasing for the firearms section will also help prevent a similar situation in Houston. The microscopes provide examiners with 3D, high-resolution images making them less dependent on the physical evidence after scanning is complete. HFSC firearms examiners are researching and validating existing algorithms as part of a project with the Center for Statistics and Applications in Forensic Evidence (CSAFE) and the National Institute of Standards and Technology (NIST) to determine how the field can start applying statistics to their conclusions. Director Blancett asked about changes to current processes and whether it will be possible to review data from older cases. Dr. Stout said all new technologies, including this one, could potentially lead to a re-evaluation of previous cases.

- K. Mr. David Leach, treasurer and CFO, received board approval to take his agenda items out of order. Mr. Leach presented fiscal year 2021 budget reallocations. He stated original estimates of line items are never accurate and several need to be adjusted though overall budget spending does not change. Mr. Leach said the budget changed because HFSC received \$1.358 million in federal coronavirus relief through the Coronavirus Aid, Relief and Economic Security Act (CARES.) He said the money was largely spent on toxicology outsourcing and IT improvements needed to allow for remote work. He said the money spent has been reimbursed. In response to a request from Director Blancett for specific examples of IT expenditures, Mr. Leach said \$225,083 was spent on laptops.

Ms. Akilah Mance, general counsel, reminded the board it had approved an interlocal agreement with the city in October 2020 which allowed HFSC to receive the CARES Act money. That interlocal agreement also allows HFSC to receive future emergency funds. Mr. Leach requested the board approve fiscal year 2021 budget reallocations. Director Hilder made a motion to approve the reallocation. Director Cohen seconded the motion.

Secretary Henry called the roll and the following directors were in favor: Stacey Mitchell, Mary Lentschke, Anna Vasquez, Philip Hilder, Francisco Medina, Janet Blancett, Ellen Cohen, and Vicki Huff. With none opposed, the motion passed unanimously.

- L. Mr. Leach said spending in the third quarter of this year has been consistent with prior years. He said people costs have decreased. He displayed a graph showing actual money spent versus budgeted. Mr. Leach stated financially things are progressing as expected.
- M. Ms. Erika Ziemak, quality director, stated the quality division submitted additional toxicology blind quality controls in March to make up for a February shortfall that was the result of a significant winter storm. The division is on track to meet its yearly goals. She said the division did not submit a latent print blind verification in March because there were no candidates but will look for two cases in the future to maintain the yearly goal. She mentioned an article about the blind program written by the quality division was cited in *Autopsy of a Crime Lab*. Ms. Ziemak also said the quality division is working with Aimee Grimaldi, project engineer, and firearms staff to draft and submit a manuscript about firearms blinds. She described a situation in which a blind quality control sample expected to yield a single-source DNA profile instead yielded a mixture of two people, both of whom work for HFSC. The forensic biology section repeated the analysis to ensure their findings were not the result of contamination within the lab. The repeat testing yielded the same results. Ms. Ziemak interviewed the two staff member and confirmed they are well-acquainted and interact daily. She said the program is demonstrating forensic biology protocols and procedures are working.

In a review of first quarter survey responses, Ms. Ziemak said HFSC has received six in total: three very satisfied or satisfied, two neither satisfied nor dissatisfied and one very dissatisfied from a Houston resident. The resident did not leave contact information but indicated disappointment that HFSC does not perform trace analysis. She said quality crafted a response although they cannot contact the resident. She reminded the board that HFSC did perform trace analysis in 2015, but after discussion with HPD and with the knowledge and consent of the board, it stopped that testing in 2017.

Ms. Ziemak said quality is investigating a CSU nonconformance that will be disclosed to the TFSC. The incident involves a vehicle that was released before the unit processed it or collected evidence. She said CSU processed many vehicles in March, they have a manual and labor-intensive process for tracking vehicles and there was a communication breakdown regarding this vehicle. Quality is working with CSU to improve the process. The corrective action will be provided to the TFSC when it is finalized.

Ms. Ziemak stated proficiency tests for 2020 are complete and 2021 testing is in progress. She said four analysts have testified and been monitored this year. The transcript review committee is reviewing four transcripts and requested more. Ms. Ziemak said quality is collaborating with CSAFE to get a high-level view of transcripts and review them for trends.

- N. Ms. Aimee Grimaldi, project engineer, said the backlog decreased 2.3% in March. She said toxicology is on track to eliminate its blood alcohol backlog in June. The forensic

biology section is also progressing toward its goal and the latent print section completed more cases than it received.

She gave an overview of the lean six sigma (LSS) development group, created in 2018. The group includes three certified lean six sigma black belts: Ms. Grimaldi, Paula Evans and Dr. Amy Castillo. Ms. Grimaldi provided an overview of HFSC's ongoing projects. She said a latent print and a CSU project are both in the third phase, called analyze, and team members are reviewing challenges and brainstorming solutions. She said the team has also conducted mini-process improvement projects, called kaizens, in the firearms section and the CODIS \_ or DNA database \_ unit. The firearms project led to improvements in the review process. Ms. Grimaldi said the CODIS project focused on evaluating, selecting and implementing a tool to aid with voluminous data compiled from probabilistic genotyping software, STRmix.

She stated there are also two long-term projects in progress. The first is to train additional staff to use Power BI, a Microsoft platform HFSC uses to create dashboards. As HFSC has become more reliant on these dashboards the need to expand PowerBI skills has grown, she said. Ms. Evans is leading the project and seven staff members are being trained. Ms. Grimaldi said the second project on leadership development is led by Dr. Castillo. The team is using LSS tools to build a leadership program that will provide resources and training to staff.

Ms. Grimaldi said the latent print project kicked off in November 2020 and is in the third of five phases: analyze. She said the team has determined critical requirements from internal and external stakeholders and they are currently analyzing the root cause to identify potential solutions. The project team has benchmarked six different latent print labs nationwide, asking each the same set of questions. The team also collected data to identify statistically significant changes after process improvements are implemented. Ms. Grimaldi said imaging software is a pain point because latent prints is 100% digital and the print is scanned and uploaded into the software system. She stated the team also talked to a benchmarking lab to learn how they use software.

- O. Ms. Carina Haynes, acting crime scene unit (CSU) director, discussed increasing homicide rates and displayed a graph showing homicide rates in major U.S. cities. CSU, however, does not only respond to homicides, she noted. CSU responded in March to 78 scenes, 41 of them homicides. In addition to the increase in homicides, CSU is also receiving more vehicles at the vehicle examination building (VEB.) CSU processed 151 vehicles in March, the most in the past 15 months. CSU has processed over 740 vehicles in the past 15 months. Due to the influx, CSU is looking to improve that process.

Ms. Haynes said organization at the VEB has already improved. CSU purchased magnetic car toppers to improve tracking, safety, visibility and organization.

Ms. Haynes stated CSI burnout is a concern. She defined burnout as emotional, mental and physical exhaustion resulting from stress. She said staff are handling the increase in calls, but burnout remains a factor and leads to lethargy and cynicism. CSU management

is trying to keep staff involved and encouraged. One way to achieve this was through a revision of yearly goals to give CSIs more control over non-scene tasks. She stated there are two static goals: participate in six refresher trainings per year and complete four peer reviews monthly. Staff are then able to select one tiered goal for the year. Ms. Haynes said these goals will be presented to staff at mid-year reviews, sometime in June.

- P. Chairwoman Mitchell requested a motion to adjourn the meeting. Director Cohen made a motion to adjourn. Director Hilder seconded the motion. The meeting ADJOURNED at approximately 11:01 am.

By: Ashley Henry

Ashley Henry, Interim Secretary