

Houston Forensic Science Center, Inc.

VIRTUAL MEETING OF BOARD OF DIRECTORS

MINUTES

December 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 December 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 on December 8, 2020 along with a free-of-charge videoconference link, dial-in phone number and an electronic copy of the meeting 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, December 11, 2020.
- 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,) **Mary Lentschke** (“ML,”) **Philip Hilder** (“PH,”) **Francisco Medina** (“FM,”) **Lois Moore** (“LM,”) **Vicki Huff** (“VH,”) **Ellen Cohen** (“EC”)

Anna Vasquez joined the meeting at approximately 9:04 a.m.

Janet Blancett and Tracy Calabrese were 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 that she would close the public comment period later in the meeting.
- G. Chairwoman Mitchell asked if any changes needed to be made to the November 13, 2020 board meeting minutes. No directors had changes. Director Moore made a motion to approve

the minutes. Director Hilder seconded the motion. The Chair called for a voice vote and the motion passed unanimously.

- H. Chairwoman Mitchell presented a chair's report. She said she did not have much to report, and the board was receiving weekly updates from Dr. Peter Stout, president and CEO, regarding corporate and staff updates.
- I. Dr. Stout told the board that backlog numbers are increasing, but the lab's overall turnaround time is okay. The toxicology, firearms and seized drugs sections accounted for three fourths of the data reported last month. Dr. Stout gave the board a staffing update, sharing current vacancies, internal promotions and job openings. He said two crime scene investigators earned their certified crime scene analyst certifications through the International Association for Identification. Dr. Stout gave a tour of the lab to a defense attorney from Ft. Worth researching hemp and marijuana issues. He was also participated on a panel for the Texas Marijuana Policy Conference where he discussed hemp and marijuana alongside other commercial laboratories who provide hemp testing in the agricultural industry. Dr. Stout shared recent staff outreach activities and said HFSC's virtual presence has increased the lab's interaction with schools across the country.

Dr. Stout told the board that the crime scene unit is working to implement new technology to help crime scene investigators document scenes faster and more efficiently. He said HFSC is currently validating new drone technology and hopes it will be implemented by early next calendar year. Dr. Stout walked the board through CSU's current documentation process on scenes, which is manual and requires the CSIs to measure and sketch scenes and then digitally convert their sketches using a software called ScenePD. The time intensive and manual process is not without risk, and CSIs may have to return to a scene to further document something that was not captured that could potentially be moved or damaged. Dr. Stout showed the board an example of what a manual and ScenePD sketch look like in CSU.

Dr. Stout said CSU is looking into implementing photogrammetry, which uses multiple photographs or images (particularly aerial photography) to look for common points in order to calculate where a certain point or feature may be. By incorporating photogrammetry, CSIs could calculate from a collection of points a 3D space to generate a map. Unmanned Aerial Vehicles, or drones, is one way of capturing such images and are ideal for outdoor or drone-accessible scenes. In addition to drones, other handheld devices such as iPads and spherical cameras can also utilize photogrammetry. CSU currently has two devices called FARO, a commercial product that uses a laser to take measurements, that are used at high-profile scenes. Dr. Stout said these tools better automate scene mapping and the completeness of documentation. He said CSU purchased a mid-to upper level consumer drone that must be registered due to its size. The drone plus extra batteries cost \$2,000, and the laptop and software to use with the drone cost about \$5,000, a small investment with potentially large benefits for CSU. Dr. Stout said there will be a lot to learn during the initial phase of using the new technology, and the lab must meet many requirements in order to operate the drone in the downtown Houston area. Two CSIs and one HFSC intern are licensed FAA (Federal Aviation Administration) operators. Dr. Stout walked the board through the drone's capabilities, including its ability to fly in a pattern that documents complex math and measurements in minimal time and accurately. He showed the board graphical images of a mock scene he mapped using the drone during a test run which also showed marked mock evidence in the

images. Director Moore asked how much of the CSIs time could be saved by using this technology. Dr. Stout referred to the mock scene to respond, stating that the scene was about 100 feet long with 22 items of evidence marked. He said the technology would decrease a CSIs time spent on a scene from four to five hours to one or two. Director Huff asked what proportion of cases CSU could use the drone. Mr. Jerry Pena, director of the crime scene and multimedia units, said CSU responds to mostly outdoor scenes, which is where they will fly the drone should weather conditions allow for its use. CSUs Dr. Stout said the drone is not waterproof and can only be flown between dawn and dusk. Dr. Stout showed the board what the use of photogrammetry would look like using an iPad and spherical camera. The iPad, which has a light distancing and ranging laser known as LiDAR, also took accurate measurements and automated the reconstruction of the mock scene. The spherical camera, which has a lens on each side that takes a spherical image, interacts with a software that can interpret distortion so points can be accurately positioned. Dr. Stout pointed out the downsides to using LiDAR, noting that the laser does not reflect off glass or water which could make some data more difficult to obtain. Dr. Moore asked how this technology will help CSU and if it will impact budget needs. Dr. Stout said CSU's five-year plan accounts for the addition of six CSIs a year, and that the new technology will help the unit get back since staffing is still far from ideal. Chairwoman Mitchell asked if photogrammetry is accepted in court. Dr. Stout said photogrammetry is commonly used in vehicle crash reconstruction, and HFSC would not be the first to testify to it in court. Director Hilder asked if HFSC should consider investing in a more expensive drone that can be flown in unfavorable weather, such as rain. Dr. Stout said a drone like that would cost roughly \$10,000 and offer 10 times the resolution of the current drone's camera. The future purchase of two of these drones is built into CSU's five-year plan.

Dr. Stout told the board the vehicle examination building was almost complete, and that the vehicle bay doors had been installed, new lighting and air conditioning are operational. Additional lighting will be installed in the parking area, and a few nominal tasks were left to complete. Per federal grant guidelines, the project will be complete by the end of December. The building's security keypads and cameras are installed and working. Dr. Stout said the project budget is on track.

- J. Dr. Amy Castillo, vice president and COO, told the board that overall, backlogs increased since the lab continues to work through challenges presented by the pandemic. CSU saw an increase in backlogged reports since the understaffed section is responding to scenes 24/7 with little time to complete reports. The latent print section's process improvement project is ongoing and recently entered the next phase of the process. Dr. Castillo reminded the board that the section will experience capacity struggles since the project requires a large amount of time and personnel from the latent print section. She said the toxicology section expects to see drug screening cases go up since that is the next testing step after a blood alcohol test result is negative. Dr. Castillo said the seized drugs section is working through a small backlog, something that is uncommon for the group. She reminded the board that a forensic biology/DNA analyst was recently promoted as the training coordinator which left an analyst vacancy. The section's overall backlog elimination timeline was increased from November 2021 to January 2022 since the position was unable to be replaced quickly. The forensic biology/DNA section completed 130 backlogged rape cases.

Dr. Castillo gave a seized drugs section highlight, noting that like other sections at HFSC, seized drugs has only 50 percent of its staff onsite at one time to help minimize staff from

potential COVID-19 exposure. The section is unable to do casework from home but is working towards being able to. In April, the section started seeing a significant decrease in the number of requests received. There was a slight increase in requests received during September over COVID levels, and in October the section saw an increase compared to last year. Requests received decreased in November compared to last year, but not as low as other pandemic months. The turnaround time has increased for the section as they worked through challenges such as the temporary shutdown for Hurricane Laura, bringing online the new marijuana testing method and having only 50 percent of its staff onsite at a time. Overall, the section has 156 backlogged cases, 65 being requests for the new marijuana testing method. The section is prioritizing in-jail requests, which means the defendant is in jail. In August, the section had an 11-day turnaround time on in-jail requests. In September that turnaround time increased to 14-days, which the section has maintained. The seized drugs section currently has one instrument validated for the new marijuana testing method. This is to avoid taking away resources for other testing that goes on in the section. The testing method takes twice as long to perform, and only two analysts can perform the new method and one analyst is approved to review the work. Additional training on the new marijuana testing method will be given to staff, but right now the section will monitor what needs to be done for long-term success since legislation regarding the new testing method is uncertain. Dr. Castillo said seized drugs analysts were given laptops that were purchased with Coronavirus Aid, Relief and Economic Security (CARES) Act funding. The laptops will allow staff to do more review work from home, although casework is still limited offsite. Right now, seized drug staff onsite work 50 hours in the lab on a rotating basis. Each analyst's work is technically reviewed by a rotating team member the next week. The newly purchased laptops will allow staff to now make corrections at home versus waiting another week to return to the lab. CARES Act funding will also be used to help network the instrumentation in Seized Drugs to increase the ability for remote work.

Dr. Castillo said HFSC staff received a survey to share input on pandemic safety measures for a safe return to work plan. In January, leadership will use the information provided in the survey to implement a plan to improve lab productivity, particularly for the seized drugs, client services and case management and firearms sections since remote work for those groups is challenging.

- K. Mr. Pena said three CSIs graduated from the National Forensic Academy (NFA) in August, and two more CSIs graduated in November. The three August graduates are in the final stage of field training and should be approved for independent work by the end of the year. The two recent graduates are beginning their field training program and are expected to work independently by March 2021. He said a CSI was recently promoted to supervisor and another CSI transitioned into a new role as a latent print processor. Both vacancies are being filled, and an experienced CSI will begin in January and the other vacancy has a potential candidate. Two new CSI trainees will begin their 10-week training at the NFA next week. Director Hilder asked if the Houston Police Department's (HPD) hiring of additional homicide personnel will impact CSU. Mr. Pena said the additional detectives will add more work for CSU and HFSC will work with HPD to determine what can be done to meet growing demand.

Mr. Pena said the recently promoted CSU supervisor will be stationed at the vehicle examination building to help determine a workflow for how vehicles will get submitted now that HFSC has full control over access to the building. He added that the three new CSIs will also report to the vehicle examination building to learn the ins and outs of processing vehicles

and evidence. The three CSIs and supervisor will be stationed at the vehicle examination building for a few months to help relieve the other CSIs so they can focus on completing reports in a timely manner. Mr. Pena said four new CSU vehicles had been received and three were outfitted to CSU standards while the fourth is awaiting camper, shelving, lighting and HFSC graphics installation. He said two more vehicles are on backorder, but they should be received by February. Once the last two vehicles are received, CSU will have full ownership of its vehicle fleet and all loaned HPD vehicles will be returned.

- L. Chairwoman Mitchell asked Secretary Benton if any members of the public joined the meeting to speak. No one addressed the board and the public comment period was closed at approximately 10:26 a.m.
- M. Ms. Erika Ziemak, quality director, said the quality division met its monthly goals for blind quality control submissions in November. She reminded the board that in October, no latent print blind verifications were submitted. Two were submitted in November to keep the quality division on track for its annual goal. Ms. Ziemak said a forensic biology/DNA analyst incorrectly identified a real case as a blind. When the analyst was asked why she thought it was a blind case, she said everything was written and organized so well that it made her think it was a blind. Ms. Ziemak added that the case was submitted by an HFSC crime scene investigator. A manuscript titled *Latent Print Quality in Blind Proficiency Testing: Using Quality Metrics to Examine Laboratory Performance* was submitted to the Forensic Science International Journal. It will explore in detail the latent print blind quality program. HFSC's quality associate submitted a manuscript in collaboration with the Center for Statistics and Applications in Forensic Evidence, or CSAFE, for publication. The quality division submitted three abstracts to the American Academy of Forensic Sciences, or AAFS, that were accepted for presentation at the 2021 virtual conference.

Ms. Ziemak said HFSC made a disclosure about a latent print case to the Texas Forensic Science Commission (TFSC.) She emphasized that there is no concern regarding latent print work, and that the disclosure is regarding documentation. Ms. Ziemak explained that prior to a case's final report being issued, the entire case is subject to a review process aimed at finding defects in the case record prior to the report being issued.

Director Medina stepped away from the meeting at approximately 10:28 a.m. He turned at approximately 10:31 a.m.

Chairwoman Mitchell interrupted Ms. Ziemak to inform the board that Vice Chair Lentschke left the meeting at approximately 10:30 a.m. and that a quorum was still present.

Ms. Ziemak said that although the review process is designed to catch errors, human error is still a factor that on occasion can allow defects to go unnoticed. She went on to explain that the TFSC disclosure involves post-mortem review, which is not an accreditation requirement, but a quality initiative. Post-mortem reviews involve the review of cases that have already been issued on a quarterly basis. Two cases were identified to have a higher number of defects than what is typically seen in a post-mortem review. The latent print section looked at both cases together to see if there was a bigger concern. The reviewer in both cases was the same person, and the reviews were done in the same time frame of the examiner's tenure at HFSC. The quality division audited 95 cases from the reviewer who performed both case reviews in

question and compared the data to the process improvement project data that reviewed HFSC's administrative and technical review process. The reviewer was deemed effective and a bigger concern was not identified. Ms. Ziemak said that in a separate but related update, the analyst from the initial case admitted to struggling with the technology involved in latent print examination. The veteran analyst spent most of her career working with a paper-based workflow, and HFSC's latent print section is entirely paperless and uses various softwares and monitors for work. The analyst had been removed from casework and was given the tools needed to make improvements. She has demonstrated improvement, has been reauthorized for casework and her progress is being monitored. HFSC is making this disclosure to give TFSC the opportunity to review HFSC's audit process, corrective actions and overall response to the situation. Ms. Ziemak said she anticipates HFSC to be discussed at the January TFSC meeting.

Ms. Ziemak said a shotgun was accidentally discharged in the firearms section and that no one was injured. The technician who was performing the examination had the shotgun pointed in an upward position and away from staff, as is standard protocol. The shotgun was rendered safe by the HPD property room, so the technician also believed the shotgun was safe. Ms. Ziemak noted that the firearms section had only recently began this kind of examination since the firing range and firing range training were completed in the past few months. Additional training has been identified for HPD staff and HFSC staff since the incident took place that will further ensure firearms are handled with the highest level of safety. Ms. Ziemak said a corrective action report will provide details of the investigation into the incident. Board members were shown an image of a shotgun with and without a projectile. Ms. Donna Eudaley, firearms manager, said the firearms section will perform a safety check of weapons in the firing range area and insert a flag into the chamber of a weapon to act as a visual representation that the firearm has been rendered safe. She added that once the firearm is safe, technicians will examine the firearms in the gun workup room. Director Medina asked if there was any property damage from the misfire. Ms. Eudaley said the projectile hit ductwork in the shooting room which has been repaired.

Ms. Ziemak said the first standalone safety and security audit was being held based on a recommendation from a previous safety nonconformance. The audits will ensure HFSC is practicing proper protocol. She said there was one safety finding and four security findings, none of which were severe and were associated with documentation.

Ms. Ziemak reminded the board that last month a CSI obtained non-expected results in an external proficiency test. She said the investigation has not yet concluded, but progress has been made. She reminded the board that the proficiency test involved a presumptive test for blood. The CSI incorrectly reported three samples as negative when they should've been positive. A review of the CSI's notes revealed they observed a chemical foaming during the test, which is not typical and pointed out that something else is amiss. The quality division is working with the chemical vendor and proficiency test provider to obtain details on how the test was created to help aid the investigation. A new chemical test batch was ordered for CSU, and Ms. Ziemak said she will share an update with the board at the next meeting.

Ms. Ziemak said two of 23 analysts have not been monitored in-person, so the quality division obtained transcripts for their testimonies which have been reviewed and are awaiting final signature. The transcript review project is ongoing, and the next transcript request will be in

2021.

N. Chairwoman Mitchell requested a motion to adjourn the meeting. Director Hilder made a motion to adjourn. Director Medina second the motion. The meeting ADJOURNED at approximately 10:52 a.m.

By: Jordan Benton

Jordan Benton Secretary