

Houston Forensic Science Center, Inc.

MEETING OF BOARD OF DIRECTORS
MINUTES

December 11, 2015

The undersigned, being the duly appointed Secretary of the Houston Forensic Science Center, Inc., (the "Corporation"), hereby certifies that the following are true and correct minutes of the December 11, 2015 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, place, and purposes of the meeting more than three days before the date of the meeting.
- B. In Accordance with Chapter 551, Texas Government Code, which Chapter is made applicable to the Corporation by Section 431.004, Texas Transportation Code, a notice of the meeting was duly filed on December 8, 2015, in the same manner and location as required by law of the City of Houston, Texas (the "City").
- C. The meeting was called to order by Nicole B. Cásarez, Chairwoman of the Board, at approximately 9:01 a.m. on Friday, December 11, 2015, in the Council Annex Chambers, 900 Bagby St. (Public Level), Houston, Texas 77002.
- D. Ms. Ashley Wieringa called the roll. The following Directors were present: Nicole B. Cásarez, Janet Blancett, Dr. Robert "Bob" H. McPherson, Dr. Stacey A. Mitchell, Judge Willie E. B. Blackmon, and Tom P. Allen (ex-officio).

The following Directors were absent: Anthony Graves, David M. Feldman, Dr. Enrique V. Barrera, and Sandra Guerra Thompson.

Chairwoman Cásarez announced that a quorum of the Directors was present.

- E. Chairwoman Cásarez provided a report on Board changes. She reported that Dr. Barrera resigned from his position on the Houston Forensic Science Center (HFSC) Board of Directors and due to his work schedule was unable to attend the December 11th meeting. Chairwoman Cásarez noted that she extended an invitation to Dr. Barrera to attend a future meeting and thanked him for his service on the Board and for serving as HFSC's first Technical Advisory Group (TAG) liaison. Chairwoman Cásarez also welcomed HFSC's newest Board member, Dr. Stacey Mitchell, and provided a summary of her background and credentials.
- F. Chairwoman Cásarez noted that a draft of the minutes of the Corporation's meeting on November 13, 2015 had been distributed to the Board. Judge Blackmon made a motion to approve the minutes of the November 13, 2015 meeting, and the motion was seconded by Dr. McPherson. The motion passed unanimously, and the minutes of the November 11, 2015 meeting were adopted.
- G. Chairwoman Cásarez asked if any members of the public wished to address the Board. Chairwoman Cásarez noted that no one asked to address the Board and the meeting continued.

- H. Chairwoman Cásarez provided a Chair's report. She reported that along with Mr. David Leach and Mr. David Feldman, she met with Mayor Parker, the Mayor's chief of staff, City Finance Director Mr. Kelly Dowe and his deputy directors, and Chief Development Officer Mr. Andy Icken to discuss HFSC's financial independence. Chairwoman Cásarez summarized the discussions, reporting that the attendees agreed that (i) third party revenues earned by the Center belong to HFSC and will not reduce the Center's budget with respect to work done for the City of Houston (COH); (ii) the Center will not be required to maintain a minimum fund balance or refund unspent funds to the COH at the end of the Center's fiscal year; and (iii) that the Center should continue to move towards a fee-for-service model. A Memorandum of Understanding setting out these agreements in more detail has been prepared and submitted to the Mayor's office for signature. Chairwoman Cásarez reported that the Board would be provided a copy of this memorandum when it is executed. Chairwoman Cásarez reported that it is time for HFSC to prepare its next budget submission. She reported that the finance working group will be led by Dr. McPherson and will include Mr. Feldman and Chairwoman Cásarez.
- I. Dr. Daniel D. Garner, President and Chief Executive Officer, provided a President's report. He thanked the Board for working with the COH to ensure the Center's financial independence, and welcomed Dr. Mitchell to the Board. Dr. Garner reported that the Texas Forensic Science Commission (TFSC) established a licensing committee and Mr. James Miller, manager of the controlled substances section, will represent the HFSC on that committee. Dr. Garner reported that HFSC's new supervisor of the Evidence Collection Division, Mr. Jerry Pena, will start at the HFSC this month. Dr. Garner noted that the Board received a copy of HFSC's internal newsletter and announced that the Center is considering producing another newsletter about independent laboratories. He provided a report on new business opportunities, noting that HFSC continues to seek and have discussions with other jurisdictions regarding provision of services in areas where there is capacity within the Center. He reported that HFSC is starting to see the benefit of the recent agreement with San Jacinto County and is now receiving and processing casework. Dr. Garner provided a training report and noted that HFSC recently submitted a grant proposal to the International Narcotics and Law Enforcement (INL) Program. He reported that certain HFSC sections will complete the move to 1301 Fannin within a few days. He noted that the needs assessment prepared by Crime Lab Design should be complete by the end of this month. He reported that seven papers prepared by HFSC staff members have been accepted for presentation at the American Academy of Forensic Sciences annual conference. He also reported that HFSC continues to communicate with the TFSC regarding DNA mixture interpretations. Finally, Dr. Garner welcomed Board members to attend the annual holiday party on December 12th.
- J. Mr. Darrell Stein, manager of the firearms section, provided an operations report. He noted that the new client services/case management division started operations on December 7th under the direction of Mr. Gary Powers, and supervised by Ms. Ashley Henry. Mr. Stein reviewed the mixture of requests received by HFSC in November. He explained that the controlled substances section decreased its turnaround time by changing its staging day from Thursday to Monday. Mr. Stein also noted that blind quality control samples are being introduced into the controlled substances section workload. Mr. Stein reported that as of November 30th, the firearms section has eliminated its backlog; it no longer has any submissions that are older than 30 days. Blind quality control samples are also being introduced into the section's workload this month. With respect to the biology section, Mr. Stein noted that the section had no screening requests older than 90 days as of November 30th. The section continues to cross-train its current staff. Mr. Stein reported that the toxicology section continues to decrease turnaround times. He discussed the distribution of cases and the various reasons that the section rejects evidence submissions. He reminded the Board that blind quality control testing was implemented in the toxicology section in November. Mr. Stein noted that the latent print section is working with Texas Department of

Safety to give examiners access to NGI (Next Generation Identification) AFIS. Additionally, the section has begun to focus on moving to an all-digital environment, and is working with the University of Virginia and the National Institute of Forensic Science Center of Excellence to develop a quantitative measure of the quality of latent prints. Mr. Stein also provided updates on vehicle usage, crime scene unit travel and scene time, and IT tickets.

- K. Mr. David Leach, Chief Financial Officer and Treasurer, provided a Treasurer's report. Mr. Leach reviewed the year-to-date (YTD) spending by major category. He reported that personnel costs represent 81% of the Center's total expenditures. He noted that 58% of those expenditures are for personnel employed by the COH and 42% of the expenditures are for personnel employed by the HFSC. Mr. Leach reported that services represent 11% of spending and supplies represent 4% of the Center's spending. Mr. Leach reviewed the YTD spending versus budget by category for November 2015. He reported that personnel costs of HFSC are \$492K below budget. He reviewed current staffing and noted that all other expenditures are proceeding as planned. Mr. Leach reviewed the spending details for the preliminary November results versus budget, YTD versus budget, and the full year budget amount and percentage spent YTD. Mr. Leach observed that laboratory supplies are the largest expense within supply costs. He reviewed the costs for services and non-capital expenditures. Mr. Leach presented the balance sheet by quarter and provided a report on the Center's grant applications. Mr. Leach reported that he and Mr. Charles Evans, Business Development Director, continue to work on a fee-for-service model for the HFSC. Mr. Leach reported that he will be working with Dr. McPherson on the budget and plans to present the budget to the Board at the February meeting so that it is ready for the March 31, 2016 deadline.
- L. Ms. Lori Wilson, Quality Director, provided a quality assurance report. She reviewed the testimony monitoring, proficiency tests, and blind quality control program portions of the report and commented on the Center's plans to integrate all sections within the blind quality control program. Ms. Wilson reviewed the incidents/corrective/preventive action and audits and inspections portions of the quality assurance report. Ms. Wilson reviewed the accreditation timelines and noted that the latent print section was awarded accreditation to the ISO/IEC 17025 standard on November 13, 2015.
- M. Ms. Blancett provided a report on the TAG. She noted that a working group consisting of Ms. Blancett, Ms. Thompson, and Dr. Barrera have been working on a draft letter to send to the TAG members. Ms. Blancett reported that the TAG working group will suggest arson and corporate IT infrastructure experts for the open TAG positions. Chairwoman Cásarez asked that Ms. Blancett present a full slate to the Board for approval along with CV's for the new members and an overall summary sheet.
- N. Ms. Blancett presented the replacement to Board Resolution No. 2012-005 pertaining to the TAG. Mr. Allen presented the draft resolution with revisions based on the Board's discussion at the November 2015 meeting. Ms. Blancett and Mr. Allen noted that the first sentence in section 5 needs to be revised to include the clause "and other computer systems" to complete the resolution revisions. Judge Blackmon made a motion that the Board approve "Resolution Regarding Policies and Procedures for Technical Advisory Group" and the motion was seconded by Dr. McPherson. The motion passed unanimously. (The adopted resolution is No. 2015-003).
- O. There being no other business, the meeting was ADJOURNED at 10:44 a.m.

Houston Forensic Science Center, Inc.

By: Ashley Wieringa

Ashley Wieringa

Secretary

HOUSTON FORENSIC SCIENCE CENTER, INC.

Resolution No. 2015-003

**RESOLUTION REGARDING POLICIES AND PROCEDURES
FOR TECHNICAL ADVISORY GROUP**

WHEREAS, the Certificate of Formation of Houston Forensic Science Center, Inc. ("Corporation"), as has been amended from time to time, authorizes the Corporation's Board of Directors ("Board") to appoint persons to the Corporation's Technical Advisory Group ("TAG") to advise the Board individually and collectively regarding best practices for the management and operation of a forensic science center, especially with regard to obtaining and maintaining the highest levels of accreditation; and

WHEREAS, in 2012 the Board concluded the Corporation's interests would be well served by establishing the TAG and prescribing policies and procedures for the appointment of TAG members and for the TAG's operation; and

WHEREAS, as a result of the conclusion described immediately above, the Board a revision of Resolution No. 2012-005; and

WHEREAS, the Board has concluded that the Corporation's interests will be well served by amending Resolution No. 2012-005; **NOW, THEREFORE**;

BE IT RESOLVED BY THE DIRECTORS OF THE CORPORATION:

Section 1. That the TAG shall serve as volunteer advisors to the Board but shall have no authority to act for or on behalf of the Board, the Corporation, or the City of Houston ("City");

Section 2. That from time to time the Board may ask one or more members of the TAG to review and to make recommendations regarding the following topics:

- (a) Accreditation attainment and compliance, specifically including accreditation incorporating pertinent standards issued by the International Standards Organization (ISO) and the Texas Forensic Science Commission;

- (b) Laboratory operations, program standards, and protocols of the Corporation;
- (c) The quality and timeliness of the Corporation's forensic services;
- (d) New scientific programs, protocols, methods of testing, and forensic technologies;
- (e) Implementation of new programs, sustaining existing programs and improving them where possible, and the elimination of programs no longer needed;
- (f) Protocols for testing and examination methods and guidelines for the presentation of results in judicial proceedings;
- (g) Qualification standards for scientists employed or managed by the Corporation, include the Executive Director;
- (h) Quality assurance and audit reports;
- (i) Operating procedures;
- (j) Selection and use of laboratory information management systems ("LIMS");
- (k) Analytical work, reports, and conclusions of scientists employed or managed by the Corporation;
- (l) Developing review processes to respond to allegations of any misidentification or other testing errors made by the Corporation;
- (m) Reports of allegations of professional negligence, misconduct, or misidentification or other testing errors related to the Corporation's forensic services;
- (n) Relevant scientific literature to determine whether modification of the Corporation's manuals or procedures is necessary or desirable;
- (o) Qualification standards for analysts employed or managed by the Corporation;

- (p) Matters pertaining to the Corporation's information technology ("IT") infrastructure, including hardware, software, interfaces, and telecommunications; and
- (q) Any other matters related to the Corporation's scientific operations;

Section 3. That the TAG shall consist of up to nine members appointed by a majority vote of the Board, which vote shall be taken at a properly noticed public meeting of the Board;

Section 4. That the TAG shall include forensic scientists and may include scientists from related fields, *provided that* each scientist from a related field has an advanced degree, laboratory experience, or publication in peer-reviewed journals in the scientist's field, along with related experience in research, methodology, statistics, and/or quality assurance;

Section 5. That the TAG may include technical expert practitioners in matters pertaining to corporate IT infrastructure supporting the LIMS and other computer systems necessary to produce and preserve the Corporation's work product and electronic records, *provided that* each such technical expert practitioner shall have a degree from an accredited university and have direct experience designing, operating, and/or managing a corporate IT infrastructure of a complexity comparable to that needed by the Corporation;

Section 6. That members of the TAG may not be employed by the City or by any law enforcement laboratory or agency that provides forensic services to the City or to the Corporation;

Section 7. That forensic scientists appointed to the TAG should have expertise in one or more of the following areas: Laboratory security, molecular biology, population genetics, forensic chemistry, forensic biology, forensic toxicology (including certification by the American Board of Forensic Toxicologists or an equivalent organization), trace evidence, firearms and toolmarks, or arson investigation and analytical testing;

Section 8. That the Board recommends each forensic scientist appointed to the TAG be a member of at least one of the following organizations: The International Association for Identification, the International Association for Chemical Testing, the American Society of Crime Laboratory Directors, the American Academy of Forensic Scientists, the National Fire Protection Association, or the American Statistical Association;

Section 9. That TAG members need not be appointed for each discipline for which the Corporation provides forensic services and need not be residents of the City, Harris County, or Texas;

Section 10. That each member of the TAG shall serve at the pleasure of the Board;

Section 11. That the Chair of the Board shall appoint (a) the presiding officer of the TAG and (b) a member of the Board to serve as liaison to the TAG ("Board Liaison");

Section 12. That, as needed and as coordinated by the Board Liaison, any member of the Board or of the Corporation's executive management may consult with

one or more members of the TAG regarding matters within the scope of the TAG member's expertise;

Section 13. That the TAG may meet in person or by video conference or other electronic means at such times as the Chair of the Board may determine, in consultation with the Board Liaison;

Section 14. That one or more members of the TAG may serve as compensated consultants of the Corporation, *provided that* the terms of the consultation are evidenced by a written contract between the TAG member and the Corporation and the terms of the contract have been approved in advance by a majority vote of the Board taken at a properly noticed public meeting;

Section 15. That the Corporation shall compensate members of the TAG for their reasonable expenses incurred in providing consultation services to the Corporation, *provided that* all such expenses comply with the policies and procedures required for expense reimbursement to employees of the Corporation;

Section 16. That the Board shall supply each member of the TAG with a monthly update, which update shall include the minutes of the Board's previous meeting, the monthly operations report, and such other documents reasonably necessary to keep each member of the TAG fully informed of current developments at the Corporation; and

Section 17. That upon adoption of this Resolution by the Board, (a) this Resolution shall take effect immediately and (b) Resolution No. 2012-005 is repealed in its entirety.

ADOPTED this 11 day of December, 2015.

CERTIFICATE

The undersigned certifies that this Resolution 2015-003 was duly adopted by the Board of Directors of Houston Forensic Science Center, Inc., on the 11 day of December, 2015.

Executed this 14 day of December, 2015.



Ashley Wieringa, Secretary