



Houston Forensic Science Center, Inc.

Board of Directors

Public Meeting

~ Minutes ~

Friday, September 15, 2023

www.hfsctx.gov

1. CALL TO ORDER:

At 9:12 a.m., Vice Chairwoman Vanessa Goodwin called the meeting to order.

The Houston Forensic Science Center, Inc. (“HFSC” and/or the “corporation”) board of directors (the “board”) convened this in-person meeting on Friday, September 15, 2023, in the City Hall Council Annex Chamber, 900 Bagby St. (public level), Houston, Texas 77002. In a manner permitted by the corporation’s bylaws, the meeting was called by providing all directors with notice of the date, time and purpose of the meeting at least three days before the scheduled date.

In accordance with Chapter 551 of the Texas Government Code (Texas Open Meetings Act) a notice of this meeting was posted on the bulletin board located on the exterior wall of the City Hall building at 901 Bagby on September 12, 2023.

2. ROLL CALL:

The following board members were present in-person:

Vice Chairwoman Vanessa Goodwin
Jed Silverman
Ellen Cohen
Lois Moore
Vicki Huff

The following board members were absent:

Chairwoman Stacey Mitchell
Anna Vasquez
Philip Hilder
Tracy Calabrese

Vice Chairwoman Goodwin declared a quorum was present. She also noted that she would preside over the board meeting in Chairwoman Mitchell’s absence, as permitted under the corporation’s bylaws.

3. APPOINTMENT OF MRS. ASHLEY HENRY AS INTERIM CORPORATE SECRETARY:

Vice Chairwoman Goodwin expressed appreciation to the previous corporate secretary, Ms. Sandra Ham, for her assistance to the board during her tenure. Vice Chairwoman Goodwin acknowledged that Ms. Ham’s departure left a vacancy to fill and several legal obligations to carry out in the interim. Though HFSC is actively seeking qualified candidates for the position, the Board must appoint an interim secretary to fulfill these duties as needed. Vice Chairwoman Goodwin announced that Mrs. Ashley Henry, HFSC’s manager of client services and case management agreed to serve as the interim corporate secretary to assist the board during this period. Vice Chairwoman Goodwin expressed appreciation to Mrs. Henry for her willingness to serve in the position again.

Director Cohen made a motion to appoint Mrs. Henry as interim secretary of the corporation. Director Moore seconded the motion, and the board unanimously approved the motion.

4. PUBLIC COMMENT:

Vice Chairwoman Goodwin gave members of the public an opportunity to address the board. No members of the public addressed the board.

5. REVIEW AND APPROVAL OF MINUTES FROM PRIOR MEETING:

Following a motion by Director Moore, seconded by Director Cohen, the board unanimously approved the August 14, 2023 meeting minutes.

6. CHAIRWOMAN MITCHELL'S REPORT:

In Chairwoman Mitchell's absence, Vice Chairwoman Goodwin delivered the Chairwoman's report and started by welcoming the newest board member, Director Jed Silverman. Director Silverman is an attorney and well-respected member of the defense bar. He is a board-certified specialist in criminal law, and his practice focuses on federal cases, sex crimes, drug offenses, driving while intoxicated cases, and white-collar crimes. He is the past president of Harris County Criminal Lawyers Association and has been listed in Texas Monthly's Super Lawyers for several years. On behalf of Chairwoman Mitchell and the board, Vice Chairwoman Goodwin welcomed Director Silverman to the board and opened the floor to Director Silverman, who expressed appreciation for his appointment to the board and the opportunity to bring his knowledge of the Texas criminal justice system to the board.

Vice Chairwoman then reminded the board that only one regular board meeting remains for the year, taking place on November 17, 2023. At the November board meeting, the board will conduct the performance evaluation for Dr. Stout, the corporation's President and CEO. The board will also vote on individual performance goals they would like to see executed in the 2024 fiscal year. In preparation for the meeting, Vice Chairwoman Goodwin requested that board members send any requests for information to be presented during Dr. Stout's comments regarding HFSC's performance for fiscal year 2023. She requested that all board members plan to be in attendance for the November board meeting and executive session. The vice chairwoman also informed the board they may need to call a special meeting in early October, regarding the execution of agreements with the City related to the property room. Staff will reach out to the board with potential dates if the need for a special meeting arises.

Finally, Vice Chairwoman Goodwin acknowledged the retirement of Mrs. Caresse Young, HFSC's Director of Human Resources. Mrs. Young has worked at HFSC since December 2013 and is one of the few original employees of the corporation. On behalf of the board, the vice chairwoman expressed respect and gratitude for Mrs. Young's commitment to the organization and wished her well in her retirement. Vice Chairwoman Goodwin also thanked the staff who are assisting during the transition period. Dr. Stout then presented Mrs. Young with a token of appreciation. Dr. Stout highlighted that during Mrs. Young's tenure, she oversaw the hiring of approximately 460 employees. He expressed appreciation to Mrs. Young and in turn, Mrs. Young reflected on working at HFSC, describing it as an honor and privilege.

7. PRESIDENT AND CEO DR. PETER STOUT'S REPORT:

Dr. Stout shared that significant progress has been made over the last year in terms of reducing the backlog. Overall, the backlog decreased by about 36% to about 4,000 cases. Within the various disciplines logging a decrease in cases: CSU had a 99% reduction in cases; latent print comparison had

a 92% reduction (approximately 40 cases remaining); drug toxicology had a 73% reduction (approximately 330 cases remaining); digital media had a 68% reduction (approximately 68 cases remaining); and latent print processing had a 42% reduction (approximately 283 cases remaining). Other sections have experienced an increase in backlogged cases over the past year: seized drug cases increased by 121% to 1,500 cases; firearms cases increased by 36% to approximately 296 cases; and forensic biology cases increased by 18%. Dr. Stout conjectured that the increase in forensic biology may be the result of the commercial labs to which HFSC outsources and their current timelines. Overall, reducing the backlog will require more work, and certain cases may remain beyond their target date due to various complexities. Dr. Stout noted improvements within these three sections to help reduce the backlog of cases. In seized drugs, one additional analyst was signed off in August while three more analysts are undergoing training to assist with casework. In firearms, two examiners are undergoing training and completing external training, which allows current examiners to continue with their work. In forensic biology, seven analysts are undergoing DNA training, and six analysts have been recruited and hired. Additionally, HFSC was awarded a \$2.2 million grant through the Department of Justice Capacity Enhancement Backlog Reduction (CEBR) program.

8. CONSIDER APPROVAL OF DR. STOUT'S PROPOSED ANNUAL CORPORATE PRIORITIES AND GOALS:

Dr. Stout highlighted four components necessary for HFSC's success: reliability, timeliness, cost effectiveness, and robustness. He informed the board that the company goals for the 2024 fiscal year are similar to previous years' goals. The corporation also plans to maintain the goal of monthly 1-on-1 meetings between management and their staff, given its effectiveness. To configure production and quality goals, Dr. Stout proposed that each section (including technical and support units) devises their own goals. HFSC's overall rating on production and quality is then based on how many sections met their proposed goals (for example, a rating of five if all 14 sections met their goals). Each section defined specific productivity goals for the 2024 fiscal year and quality goals, focusing on continued increases in robustness and reliability. The sections must complete seven quality activity/awareness events; at minimum, one must be a preventative action, risk assessment, or process improvement in the review period. The goal will be rated based on the overall impact of the activities on the section's reliability, timeliness, or robustness. In terms of staffing and retention goals, HFSC experienced a voluntary turnover rate between 12-15% last year, which is an increase from the historic rate of 6%. However, Dr. Stout shared that other forensic laboratories in the U.S. are experiencing much higher turnover and vacancy rates at 20-30%. Therefore, relatively speaking, Dr. Stout reassured the Board that HFSC is in good shape.

Director Moore made a motion to approve Dr. Stout's annual corporate priorities and goals for 2023-2024. Director Silverman seconded the motion, and the board unanimously approved the motion.

9. TREASURER AND CFO DAVID LEACH'S PRESENTATION ON AUDITED FINANCIAL STATEMENTS FOR FISCAL YEAR 2023:

Mr. Leach requested that the board postpone this agenda item for the next board meeting, as the final financial report is not yet available for the board's review.

Director Cohen made a motion to postpone the presentation on audited financial statements for the 2023 fiscal year to the next board meeting. Director Moore seconded the motion, and the board unanimously approved the motion.

10. CONSIDER APPROVAL OF A ONE-YEAR CONTRACT WITH SIGNATURE SCIENCE, LLC FOR DNA OUTSOURCING SERVICES:

Dr. Stout informed the board that HFSC has continuously outsourced DNA case work to Signature Science, LLC for a significant period of time. The budget for the current contract will not exceed \$600,000.00, and the funding is an addition to HFSC's budget, approved by City Council in May 2023. The contract is also an extension of HFSC's previous agreement with Signature Science, LLC that will carry HFSC through until the CEBR grant is released. The terms of the contract do not differ from what the board has previously approved.

Director Moore made a motion to approve a one-year contract with Signature Science, LLC for DNA outsourcing services with a total budget not to exceed \$600,000.00. Director Silverman seconded the motion, and the board unanimously approved the motion. At the board's direction, Dr. Stout was authorized to proceed with executing the agreement on behalf of the corporation.

11. QUALITY DIRECTOR JACKELINE MORAL'S REPORT:

Mrs. Moral reported that the quality division met its blind quality submission goals for both July and August. She shared that the quality division recently purchased a ballistics box to address challenges in the firearms blind quality control program. Currently, the division creates samples by using the water shooting tank for firearm examiners to conduct comparative analysis. However, this created a disadvantage for blind quality control, as the process was intended to create evidence that mirrors firearms casework, which the water shooting tank cannot achieve. The box has seven feet of wedge medical grain cotton that allows the division to wedge materials within it that are commonly found in crime scenes, such as sheet rock or wood. Firing into the box creates realistic damaged cartridges that mimic case samples. The quality division is waiting for the ballistics box to be shipped.

Mrs. Moral then announced that two members of the quality division will be presenting on the blind quality control program at the Association of Forensic Quality Assurance Management (AFQAM) conference in Dallas in October. They will host a workshop on how to conduct blind quality control programs in seized drugs and toxicology sections. Many laboratories are facing challenges in implementing their own blind quality control programs, resulting in HFSC's quality division receiving numerous questions on their procedures. This also aligns with the Texas Forensic Science Commission's initiative to encourage laboratories in Texas to implement blind quality control program. Dr. Stout will be the opening guest speaker for the conference.

In addition, the quality division will have several visitors throughout September and October. First, Anna Heavey, the quality manager at PathWest Laboratory in Australia and chairwoman of the Quality Specialist Advisory Group for the Australia, New Zealand Policing Advisory Agency (ANZPAA) National Institute of Forensic Science, will be visiting HFSC after attending AFQAM to exchange ideas on quality initiatives. In October, Dr. Max Guyll and Dr. Stephanie Madon from Arizona State University will also visit HFSC to learn more about the firearms discipline, comparative analytical workflow, and firearms blind quality control program with the intent of creating future opportunities for collaboration with HFSC. Finally, Mr. Raymond Valerio, the director of forensic sciences at the Queens County District Attorney's Office, will visit HFSC to provide ethics training to staff.

Next, Mrs. Moral discussed updates to accreditation. ANSI National Accreditation Board (ANAB), HFSC's accrediting body, conducted review of surveillance documents from July 17-31, 2023. They conduct the surveillance document review annually, and this year's review was focused on a subset of accreditation requirements specific to the quality management system. No nonconformities were noted during the review.

Also, the quality division has been working with the client services and case management division (CSCM) since February to prepare for the ANAB property and evidence accreditation program. In August, the quality division completed stage one, which involved a gap assessment to compare ANAB accreditation requirements to CSCM's policies on standard operating procedures, training manuals, quality manuals, security, and safety. From there, they identified gaps that needed to be addressed to meet ANAB's accreditation requirements. Stage two is still being finalized; however, updates have been made to CSCM's SOP, training manual and security manual. Updates to the quality manual were effective as of September 25, 2023. In the first week of October 2023, the quality division will undergo stage three in which an internal audit will occur to allow CSCM to research how they are meeting requirements and policies. The quality division will also conduct a supplemental management review focused on ensuring a robust quality management system. Both steps of stage three must be completed before the ANAB accreditation. Finally, in stage four, ANAB is scheduled to conduct an on-site assessment during the second week of December 2023.

Mrs. Moral updated the board on Texas Forensic Science Commission (TFSC) disclosures based on the last TFSC quarterly meeting on July 21, 2023. HFSC previously had three non-conformances that were reviewed at the quarterly meeting and were voted favorably as "no further action needed." This vote was a result of the root cause analysis, and corrective actions taken by the three sections to remediate non-conformances and prevent reoccurrence. The previous non-conformances were in the seized drugs, firearms, and crime scene sections. In seized drugs, cases were analyzed using incorrect sample vials via the "decision point" assay method, causing results to be improperly reported. The section did a retroactive audit, identifying 18 cases that had improper results and immediately recalled and re-analyzed the evidence. All the results agreed with the previously reported results, having no impact to the cases. In the firearms section, the disclosure was discovered as a part of the 2023 internal audit in which an item of evidence could not be located. This evidence contained test fires created from a case involving an officer-involved shooting. The non-conformance had no external impact because the case was inactive (as a result of a grand jury "no bill"). In response, the section enacted changes to evidence handling and auditing to prevent this from reoccurring. The final disclosure occurred in the crime scene unit where three case packets, which contained the original observations and notes from crime scene investigators, could not be located. One case report was released as the notes had been scanned into the case record before the notes were displaced. Another case packet was later found by the crime scene unit. Because this case was still active in the legal system, the quality division was able to technically review and administratively close out the report. The crime scene unit made organizational and clerical changes in the tracking of case packets and is transitioning into an electronic system.

Mrs. Moral then discussed two active TFSC disclosures in the forensic biology and latent print sections. She highlighted that the causes of both non-conformities were outside of HFSC's control. In forensic biology, the section identified an inherent subtlety in the probabilistic genotyping software that could cause a reporting issue. The section then conducted a retroactive audit of all cases since December 2019, the date the software was implemented. She stated the section identified five cases that required a supplemental report to be issued with additional information. Currently, the quality division is in the process of notifying the Harris County District Attorney's Office (HCDAO) and releasing these supplemental reports. In the latent print section, HFSC was notified by the Federal Bureau of Investigation (FBI) about a glitch in the FBI Automated Fingerprint Identification System (AFIS), which occurred when an area/location filter was selected, and palm prints were entered into the system. The filter prevented the system from conducting reverse searches, meaning the print could not be searched against new record prints. This affected 92 cases from 2014 to present day. Mrs. Moral informed the board that the latent print section searched the affected prints again and conducted comparison searches for 20 cases with new hits. The remaining 72 cases were re-registered in AFIS without the palm print selection to allow for reverse searches. The list of the affected cases was given

to HCDAO and the Harris County Public Defender's Office. Mrs. Moral stated that though these non-conformities were out of HFSC's control, the quality division chose to disclose them as they affected the integrity of cases and demonstrated HFSC's retroactive and mitigating efforts taken by the sections to address these issues. Dr. Stout added that such disclosures to TFSC help ensure that lab software issues are communicated state-wide.

Finally, Mrs. Moral discussed testimony monitoring. A total of 65 HFSC staff members collectively testified 149 times between January and August 2023. For those who testify, the quality division will monitor them at least once a year. Currently, 75% of testimonies are monitored, which meets HFSC's monitoring requirement. Mrs. Moral reported that HFSC testimony amounted to a total of 602 hours spent in court by staff members: 125 of those hours were spent on the stand testifying while the remaining 277 hours were spent waiting to testify. By section, crime scene had the most collective time waiting for testimony (201 hours), followed by the firearms section (77 hours) and the forensic biology section (63 hours). Over time, the current data from January to August 2023 almost surpass the total time in court from calendar year 2022 (619 hours). As HFSC is currently at 602 hours of time in court, Mrs. Moral stated that HFSC will surpass the 2022 total over the next few months. Mrs. Moral concluded by noting that the quality division manually captures the data in graphs, and as such, the division is working with an HFSC Lean Six Sigma (LLS) project engineer to create a PowerBI testimony dashboard. This will provide accessible real-time data for all staff members.

12. ADJOURNMENT:

Director Silverman made a motion to adjourn the meeting. Director Huff seconded the motion. The meeting adjourned at 10:20 a.m.

The undersigned secretary of the board hereby certifies the following are true and correct minutes of the September 15, 2023 public meeting of the board.

By:  _____
Ashley Henry
Interim Board Secretary