



Houston Forensic Science Center, Inc.

Board of Directors

Public Meeting

~ Minutes ~

Friday, November 17, 2023

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1. CALL TO ORDER:

At 9:04 a.m., Chairwoman Stacey Mitchell 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, November 17, 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 November 14, 2023.

2. ROLL CALL:

The following board members were present in-person:

Chairwoman Stacey Mitchell
Vice Chairwoman Vanessa Goodwin
Philip Hilder
Jed Silverman
Lois Moore
Joni Baird
Vicki Huff

The following board members were absent:

Anna Vasquez
Ellen Cohen
Tracy Calabrese

Chairwoman Mitchell declared a quorum was present.

3. APPOINTMENT OF MS. NATALEE VEAZEY AS CORPORATE SECRETARY:

Chairwoman Mitchell introduced Ms. Natalee Veazey, who was recently hired to serve as HFSC’s staff assistant and the candidate for appointment as corporate secretary. Ms. Veazey is an internal promotion from the client services and case management (CS/CM) division. In her previous role, she helped answer inquiries and fulfill records requests from attorneys, law enforcement, and the courts. Prior to joining HFSC, she worked in the customer service and hospitality industry. In addition, Chairwoman Mitchell also thanked Ms. Ashley Henry for stepping in as an interim corporate secretary.

Director Silverman made a motion to appoint Ms. Veazey as secretary of the corporation. Vice Chair Goodwin seconded the motion, and the board unanimously approved the motion.

4. PUBLIC COMMENT:

Chairwoman Mitchell 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 Hilder, seconded by Director Silverman, the board unanimously approved the September 15, 2023 meeting minutes.

6. CHAIRWOMAN MITCHELL'S REPORT:

Chairwoman Mitchell welcomed the newest board member, Joni Baird, to HFSC. Director Baird is a former investigator for the Jefferson County Colorado Sheriff's Department, where she investigated major crimes and worked closely with forensic experts on a regular basis. She eventually joined Johns Manville Corporation and helped start their corporate security department before shifting to public affair. Director Baird recently retired from a distinguished 10-year career at Chevron. She is very involved in the Houston community and has already made an impact with HFSC in her new role. Director Baird expressed gratitude for joining the Board. Additionally, Chairwoman Mitchell reminded the board about the staff holiday lunch and potluck on December 14th at HFSC. As always, board members are welcome to attend and celebrate the hard work of HFSC's staff. Lastly, Chairwoman Mitchell thanked the directors for their service and dedication to HFSC throughout 2023.

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

To begin his report, Dr. Stout introduced the new human resources (HR) director, Mrs. Tai Aluko. She has over 17 years of HR experience, and a master's degree in human resources management from Texas A&M University. She is passionate about employee engagement, training, and development. Dr. Stout invited Mrs. Aluko to the podium to share a few words of gratitude. Chairwoman Mitchell welcomed Mrs. Aluko to the company and thanked her for joining.

Dr. Stout reported that he recently attended the inaugural meeting of the National Association of Forensic Science Boards in Austin. At the meeting, issues of backlogs and staffing challenges were discussed. Next, Dr. Stout gave an overview on HFSC's backlog and provided historical data for the board's consideration. HFSC's backlog was roughly 12,000 cases in April 2014. By May 2016, the latent prints section had a spike in their backlog due to approximately 2,500 prints discovered in the property room. In January 2017, the FBI made a requirement for all forensic biology (F.Bio) labs to adopt the Globafiler implementation, which slowed down F.Bio's progress in its backlog. He stated in that same year, Hurricane Harvey hit Houston, which impacted the overall backlog of the lab. During 2018-2019, the toxicology section had an issue with obtaining enough electrical supply for their instrumentations; thus, their backlog spiked once again. He went on to highlight that HFSC's backlog was at its lowest point in February 2019, with approximately 3,479 cases. However, the backlog in seized drugs increased in June of that year due to Texas House Bill 135. Besides COVID affecting all sections in March 2020, Winter Storm Uri impacted the overall backlog in February 2021. As a result of the storm, Dr. Stout noted that HFSC's office building required HVAC repair and experienced loss of power, while staff struggled with commuting to work or were focusing on personal matters related to the storm. Then, he stated, the backlog worsened for F.Bio after the Colone case ruling in March 2021 that caused labs statewide to review and revise their standards. A few months later, CSU restructured its division, causing a spike in

its backlog. By July 2021, HFSC had 7,553 cases in backlog. At the end of 2022, F.Bio's backlog increased once again due to the Mavens incident, resulting in the loss of several analysts.

Currently, HFSC has a backlog of about 4,000 cases. In the last 12 months, overall backlog has been reduced by 16% with 4,194 cases as of October 2023. The CSU, latent print comparison, and digital multimedia sections virtually have no backlog. Soon, the toxicology and latent print processing sections will both have conquered their backlogs which current sit at less than 200 cases. Dr. Stout reported that unfortunately, seized drugs' backlog increased 55% in the past year with a backlog of over 1,600 cases. Firearms' backlog also grew by 75% in the past year with 322 cases now. Focusing more on firearm's backlog, the section tackled its 300 cases backlog with ease in the past, largely due to adding more staff and training. The American Rescue Plan Act (ARPA) funding has significantly impacted the section's ability to reduce backlogs since this funding helps cover the costs of hiring and training more staff. He noted that under ARPA, HFSC has provided well over 35,000 training hours, 15 staff members completed training, two firearm examiners are in external training with three more to start in May 2024, and two 3D firearm scopes will be purchased. Dr. Stout reminded the board that F.Bio outsourcing cannot be funded by ARPA. Lastly, F.Bio now has a backlog of over 1,200 cases with a 28% increase, largely due to commercial labs facing backlogs themselves. Their turnaround times went from 60 to 120 days for sexual assault kits. The commercial lab is facing the same issues as other labs in terms of recruiting, training, and retaining staff; hence, they started limiting the number of kits HFSC can outsource to them per month. Dr. Stout informed the board that this commercial lab is the only accredited private lab located in Texas; therefore, they are receiving other agencies' kits as well. A new cycle of funding for outsourcing will begin soon, and HFSC will be soliciting new proposals for F.Bio. Lastly, the in-house backlog in F.Bio went down by 6% .

Chairwoman Mitchell inquired if the backlogs were standardized across all crime labs to which Dr. Stout replied that the industry does not have a standard for what constitutes a backlog. HFSC considers a backlog when cases are not completed by the 30-day mark, which was implemented by the National Institute of Justice (NIJ) when they managed the capacity enhancement for backlog reduction (CEBR) grant. He informed the board that due to NIJ being a federal government agency, many labs adopted this criterion for backlog management, however, laboratories across the nation have different definitions for what constitutes a backlog.

Dr. Stout proceeded to discuss three main questions to resolve in managing backlogs. Starting with, what goes first? To determine priorities, a case list needs to be created and assigned with the help of the Houston Police Department (HPD) and Harris County District Attorney's Office (HCDAO). Second, what is sufficient and necessary testing? He affirmed the need for HFSC to follow its case management acceptance policies and effectively navigate the policies to keep requests moving. Lastly, what must be re-worked, or can the request be canceled? Dr. Stout emphasized the need for HFSC to be notified when cases are dismissed or disposed to remove them from the backlog and not waste resource. Also, because of court backlogs, a case likely won't be tried until five years later when the analyst who processed the case is gone. When that occurs, the courts often want the case to be re-worked or reviewed again, which adds to HFSC's backlog. Overall, HFSC has the capacity to prioritize cases, but needs HPD and HCDAO to continue to be more vocal about what cases need to be expedited. A new priority request workflow was added to the laboratory information management system (LIMS) portal today, which allows investigators, officers, and assistant district attorneys (ADAs) to complete a priority questionnaire for each case that needs to be expedited. Once collected, the case managers work with HPD and HCDAO to determine the priority list.

Director Silverman inquired if any staff member receives notices of dismissed cases from the Texas e-filing system to which Dr. Stout responded no, HFSC must manually research it. Director Hilder

followed up by asking why HFSC cannot interface with HCDAO's system to identify dismissed cases. In response, Dr. Stout stated that HFSC is currently working with HCDAO to figure out how to share that kind of data between the two agencies. He reported early data suggests that about 40-100 requests per month are impacted by the dismiss/disposed status.

Dr. Stout turned the board's attention to court delays and highlighted the vulnerability of analysts in testimony. He indicated that most judges will not allow current analysts to review a former analyst's work and testify on their behalf. Currently, a Supreme Court case (*Arizona v. Smith*) is pending, and the court's ruling will impact how analysts testify in this situation. The ruling will guide HFSC on what cases must be re-worked or re-reviewed.

8. CONSIDER APPROVAL OF THIRD AMENDMENT TO FIRST INTERLOCAL AGREEMENT BETWEEN CITY OF HOUSTON AND HFSC:

Chairwoman Mitchell reminded the board of Dr. Stout's previous presentations regarding HFSC's property and evidence management plans. In a previous board meeting this year, the board authorized Dr. Stout to continue discussions with the City about this concept, but today, the board will consider two agreements needed to move the concept forward. Dr. Stout, Mr. Leach, and Ms. Mance have been working with the City on this amendment because changes to HFSC's Interlocal Agreement must be submitted to City Council for approval. If the board approves the amendments presented in items 8 and 9, the changes will not be adopted or executed until the City Council approves the agreements.

Following a motion by Director Hilder, seconded by Director Silverman, the board unanimously approved the Third Amendment to First Interlocal Agreement between the City of Houston and HFSC and authorized Dr. Stout to execute the agreement on the board's behalf, if the amendment is approved by City Council.

9. CONSIDER APPROVAL OF FIRST AMENDMENT TO SUBLEASE BETWEEN CITY OF HOUSTON AND HFSC:

Chairwoman Mitchell reiterated that the amended sublease agreement is also a necessary step in moving the property and evidence management project forward as described in item 8. The amendment provides a framework to expand HFSC's physical footprint at its current location to accommodate any future expansion.

With Director Moore's motion, followed by Director Silverman's motion, the board unanimously approved the First Amendment to Sublease between the City of Houston and HFSC for a leased space located at 500 Jefferson Street, as well as authorized Dr. Stout to execute the agreement on behalf of the board, if the amendment is approved by City Council.

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

Mr. Leach started his report by briefly describing the auditing process. Once each year, an independent auditing company performs an audit on HFSC's financial records to ensure documents presented to the board and public are accurate. Prior to this year, HFSC did not have any financial audit findings. However, this year's audit identified an internal control deficiency. He reported that the audit identified approximately \$19,000 recorded in fiscal year 2023 instead of the appropriate year, 2022. The auditors recommended HFSC revise its financial reporting procedures to ensure non-payroll expenses are recorded for the correct time period. In response to the audit, Mr. Leach stated the accounting team implemented three remedial measures. First, a reminder will be sent out to the HFSC staff to forward all invoices to the accounting department during the months of May through July before the fiscal year ends. Secondly, if vendors have not timely submitted their invoices, HFSC will request that they submit

them by the first week of July. Lastly, Mr. Leach stated the department will notify all vendors to submit invoices directly to the accounts payable email address.

11. CONSIDER APPROVAL OF BOARD RESOLUTION 2023-001 RELATING TO REGION 8 EDUCATION SERVICE CENTER:

Chairwoman Mitchell introduced the board resolution as a requirement for HFSC's participation in the Region 8 Education Service Center's interlocal purchasing system, program cooperative. Mr. Leach explained that Region 8 has already vetted their vendors and ensured their clients are getting the best prices for the goods and services. HFSC currently uses this program, primarily for information technology services, and the finance department would like the Board to approve an agreement with Region 8 to continue fulfilling HFSC's procurement needs. Mr. Leach noted that in the past, HFSC used this program through HPD's agreement with Region 8, however, the process has become slow. Ms. Mance noted that HFSC's participation would require approval of a board resolution and of the interlocal agreement.

Director Baird made a motion to approve Board Resolution 2023-001 relating to HFSC's participation in TIPS. Director Silverman seconded the motion, and the board unanimously approved the motion.

12. CONSIDER APPROVAL OF AN INTERLOCAL AGREEMENT BETWEEN REGION 8 EDUCATION SERVICE CENTER AND HFSC:

Director Moore made first motion to approve the interlocal agreement between Region 8 Education Service Center and HFSC for HFSC to participate in TIPS and obtain cooperative purchasing services. Director Silverman seconded the motion, and the board unanimously authorized Dr. Stout to execute the agreement on the board's behalf.

13. CONSIDER DELEGATING AUTHORITY TO DR. STOUT TO NEGOTIATE AND ENTER A INTO A CONTRACT BETWEEN CADRE FORENSICS AND HFSC FOR PURCHASE OF A 3D SCOPE:

Chairwoman Mitchell informed the board that this item does not require voting at this time because during the May 2022 board meeting, the board approved an agreement between the City of Houston and HFSC to provide the corporation with \$1.5 million in ARPA funding, which included funding for two 3D microscopes in the firearms section. At the same meeting, the board approved a motion to delegate authority to Dr. Stout to procure two 3D microscopes and execute any agreements to carry out the purchase. However, due to the yearlong delay in procurement, HFSC is ready to make the purchase and wanted to provide an update to the board given the delay. No action was taken on the agenda item.

14. QUALITY SPECIALIST MRS. ASHLEY LANKFORD'S REPORT:

With Mrs. Moral out of the office, Mrs. Lankford presented the quality report to the board.

To begin, Mrs. Lankford gave an update on the blind quality control program for the months of September and October, in which both months exceeded expectations. Due to this program, HFSC is gaining a lot of positive attention from the forensic science community. The editors of the *Journal of Forensic Sciences (JFS)* selected one of the quality division's articles, "Implementation of a Blind Quality Control Program in a Forensic Laboratory," to be featured in the special JFS virtual issue celebrating national forensic science week (September 17-23, 2023). She went on to state that HFSC's publications are being used by other researchers in the forensic science community, especially regarding firearms validity challenges. She went on to state that HFSC's publications are being used by other researchers in the forensic science community, especially regarding firearms validity challenges. She also informed the board of Dr. Stout's

recent article, “The Secret Life of Crime Labs,” featured in the peer-reviewed journal, Proceedings of the National Academy of Sciences (PNAS).

In addition, the quality section performed several audits during the first week of October. The first audit was a safety, security, and facilities internal audit. As a result, Ms. Lankford reported two nonconformances in 2022 where two analysts did not complete respiratory fit testing, which was a safety issue. However, this issue was resolved when HFSC hosted a 2023 fit testing, and all necessary staff were fitted. In terms of opportunities for improvement, she indicated this area of the audit does not mean that nonconformance occurred, just an opportunity to strengthen procedures in place. She also noted additional issues discovered in security (one) and safety (four), which are currently being resolved. The second audit performed was the CS/CM internal audit in preparation for ANAB’s Property and Evidence Accreditation Program AR3181. No nonconformances were found. Ms. Lankford informed the board that CS/CM’s evidence team is currently accredited; however, the old accreditation program is outdated. This new accreditation program is to ensure that the evidence team has an active accreditation. CS/CM has completed the three stages and is now ready for the last stage, which is the on-site assessment that is scheduled for December 11, 2023. She highlighted the significance of HFSC undergoing accreditation through AR2181, as the organization would be the first agency in America to undergo this process.

Lastly, Mrs. Lankford shared highlights of the testimony monitoring program, a requirement of being accredited. Every employee who goes to court for testimony needs to be monitored. By the end of October 2023, a total of 76 employees went to court 217 times, and only two employees didn’t testify. Out of the 74 employees that went to court a total of 197 times, only four of those employees testified in non-HFSC cases, which is not monitored data. Of the 70 employees that testified on HFSC cases, only 63 of them were monitored. During the previous board meeting, Mrs. Moral stated that only 76% were monitored, and as the testimonies came in for review, quality was able to complete the reviews and raise the percentage to 90%. A total of 172 hours were spent outside the office for the monitors alone. For the seven that were not monitored, quality is currently working with the section managers to obtain a copy of the transcripts for review in order to satisfy the goal of having 100% monitored for this year. Overall, employees have spent a total of 859 hours in court, 174 of those hours were actual testifying on the stand. The crime scene unit (252 hours), firearms (113), and F. Bio (106) had the most waiting hours compared to the rest of the sections. This means that 107 eight- hour working days, or roughly 21 weeks, were spent at court, not at HFSC. She noted this data does not include the time spent reviewing cases and holding pretrial meetings.

15. EXECUTIVE SESSION TO CONDUCT DR. STOUT’S ANNUAL EVALUATION:

At this time, the HFSC board of directors proceeded into a closed meeting, also known as an executive session, as permitted by the Texas Open Meeting Act (Texas Government Code Sections 551.071), to discuss Dr. Stout’s annual evaluation. Chairwoman Mitchell closed the open meeting at 10:34am, then convened the executive session at 11:23am.

16. CONSIDER APPROVAL OF DR. STOUT’S ANNUAL EVALUATION:

The Board considered two motions related to the executive session.

The motion to approve a three percent increase in Dr. Stout’s salary, effective on the first day of the next HFSC pay period was made by Director Hilder, seconded by Director Baird. The Board unanimously approved Dr. Stout’s salary raise. The directors made remarks about Dr. Stout’s job performance and thanked him for his service.

Director Moor made a motion to approve the following performance objectives for Dr. Stout during the 2023-2024 review period: participation in the American Leadership Forum; continuing succession planning for the executive team; actively working with HPD on the property room management project; and develop preliminary ideas for a local forensic academy, which will be a long-term goal. Director

Goodwin's second motion, and the board unanimously approved the performance objectives for Dr. Stout.

17. ADJOURNMENT:

Director Hilder made a motion to adjourn the meeting. Director Silverman seconded the motion. The meeting adjourned at 11:29 a.m.

The undersigned secretary of the board hereby certifies the following are true and correct minutes of the November 17, 2023 public meeting of the board.

By: Natalee Veazey
Natalee Veazey
Board Secretary