



# Houston Forensic Science Center, Inc.

Board of Directors

Public Meeting

~ Minutes ~

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Friday, July 12, 2024

[www.hfctx.gov](http://www.hfctx.gov)

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## 1. CALL TO ORDER:

At 9:02 a.m., Interim Vice Chairwoman Joni Baird 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, July 12, 2024, 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 July 9, 2024.

## 2. ROLL CALL:

The following board members were present in-person:

Interim Vice Chairwoman Joni Baird
Anna Vasquez
Philip Hilder
Ellen Cohen
Vicki Huff
Jessica Gooch

The following board members were absent:

Jed Silverman
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Interim Vice Chair Baird declared a quorum was present.

## 3. PUBLIC COMMENT:

Interim Vice Chair Baird gave members of the public an opportunity to address the board. No members of the public addressed the board.

## 4. REVIEW AND APPROVAL OF MINUTES FROM PRIOR MEETING:

Following a motion by Director Cohen, seconded by Director Hilder, the board unanimously approved the May 10, 2024 meeting minutes.

**5. INTERIM VICE CHAIR BAIRD'S REPORT:**

Vice Chair Baird began her report by informing the directors that Mayor Whitmire and Council are still in the process of selecting three new board members to fill the vacancies. Afterwards, she thanked the members for attending today's meeting, given the recent impacts of Hurricane Beryl. Additionally, she gave her gratitude to the HFSC staff members who continued working to meet the needs of the stakeholders and stepped up during a time of crisis. Lastly, former Chairwoman Mitchell addressed two contractual needs where both contracts required time-sensitive amendments prior to her term concluding at the end of June. In late May, she approved a Signature Science outsourcing contract amendment that increased the value from \$600,000.00 to \$1,390,000.00 and allowed the Forensic Biology (F.Bio) section to immediately send additional batches of non-sexual assault kit (SAK) cases. Outsourcing is crucial to F.Bio's operation. In late June, Chairwoman Mitchell also approved an amendment to the Matterport agreement in which the term of service was extended by one month, adding an additional \$11,900.67 to the \$260,000.00 contract value. Also, Vice Chair Baird notified the board that the Matterport agreement they will be considering today is not the amended agreement.

**6. PRESIDENT AND CEO DR. PETER STOUT'S REPORT:**

To begin his report, Dr. Stout gave a broad overview of the organization. With the budget increase for F.Bio, they outsourced 240 non-SAK cases with more to be shipped in the upcoming months. This will greatly aid in reducing the non-SAK backlog while F.Bio trains their new analysts. In addition, the outsourcing for SAK cases continues without interruption with an average turnaround time of 84 days. There are only 33 SAK cases over 90 days old. In the Firearms (FA) section, they will begin limited outsourcing to Tarrant County later this month. FA is currently selecting which cases to outsource based on complexity and priority.

Next, he informed the board of HFSC's new emergency preparation plan, which was recently implemented due to Hurricane Beryl. As a result, HFSC performed well during the hurricane. There were only two small leaks, no power loss, and one window shattered on the ground floor. The biggest impacts were the power outages staff faced at home, and the difficulty of traveling around the city. However, during major events, the Crime Scene Unit (CSU) remains operational by ensuring the HFSC floors are maintained, such as maintaining the power, monitoring for water leaks, and continue responding to calls. The unit prepares for these events by keeping stock of MREs (Meals Ready-to-Eat) and supplies in addition to sleeping at the Whitehall hotel, if rooms are available. The building management team are also onsite during these events. Dr. Stout profusely expressed his gratitude to CSU and the building management for their service. Additionally, the logistics team will have a vendor visit the facility and install protective films on all laboratory windows on the 18<sup>th</sup> floor. The film will hold the glass in place if it shatters, allowing the logistics team a chance to remedy the issue before the glass shatters entirely, leaving shards scattered and the lab exposed to the outside elements. Plus, the film is UV reflective, which will help maintain the labs' temperatures during summertime.

Afterwards, Dr. Stout let General Counsel, Ms. Mance, present on the recent court rulings regarding three major cases that will impact HFSC's process on producing case records and who can testify as witnesses. For the first case summary, *State of Texas v. Heath*, the prosecutors did not submit the 911 call in a timely manner, regardless if this was done in bad faith or not. The trial court agreed with the defense team's objection to have the 911 call be excluded from trial. The Texas Court of Criminal Appeals reviewed the trial court's decision and ruled that the court did not abuse its discretion. This ruling relates to discovery under the Michael Morton Act, putting an extra burden on the prosecutors to ensure they produce sufficient and appropriate discovery that could exist for the case. Therefore, HFSC will need to continue to release the entirety of the cases' records when producing case files. Long term, the state's record portal project is expected to remedy this issue for prosecutors and defense. For the next two cases, they relate to the issue of who can testify as a witness in trial. In *Null v. State of Texas*, the defense team objected to the prosecutors having an HFSC DNA analyst testify as an expert witness on data they received from the outsourcing lab, which is common practice. HFSC relies heavily on

these external labs to help keep operations functioning, and the analysts from these external labs cannot attend every single trial. Their argument was framed around the fact that the HFSC DNA analyst did not generate the profile data and is not overly familiar with the outsourcing lab's process. The Texas Court of Criminal Appeals reviewed the admissibility of the testimony, ruling that the testimony was admissible and "reliable" in the sense that the outsourcing data provided a sufficient basis to support the HFSC DNA analyst's opinion as an expert in the field. As for the *Smith v. Arizona* case, this is where the question of whether or not an analyst can testify on work they did not perform became an issue. This case was closely monitored by many forensic labs across the nation since the Supreme Court would be making an ultimate decision regarding this frequent issue. In this instance, an HFSC analyst testified on work performed by a former HFSC analyst who could not attend the trial. The defense team objected to the admissibility of the expert's opinion as a violation of the 6<sup>th</sup> Amendment Confrontation Clause. Essentially, the client never had an opportunity to cross-examine the real witness who is offering evidence against them. In conclusion, the Supreme Court ruled that while the substitute witness may provide expert opinion based on data, the question of the confrontation clause must be considered. The courts need to question if the original analyst created the case records with the purpose of the records being presented in court at a later date. If yes, then the original analyst needs to be brought in for testimony, or the work will need to be reanalyzed. With this question in place, the prosecutors will have to be careful with whom they summon for testifying. As a result, HFSC will be hugely impacted by receiving more subpoenas and more retest requests, which in return will increase more time in court. The F.Bio and Toxicology sections will be the most affected because they do not have the capacity to quickly retest at a higher frequency. At the moment, HFSC's legal team and COO Dr. Castillo's team will be closely working with the Harris County District Attorney's Office (HCDAO) to overcome these obstacles together. Some of the directors had questions for Ms. Mance regarding subpoenas, employees' understanding of expectations, travel expenses, and virtual testimonies in which she and Dr. Stout answered and clarified.

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

Before Dr. Stout presented the proposed annual corporate priorities and goals to the board, Vice Chair Baird reminded the board that if the proposal is approved, the goals will become part of Dr. Stout's evaluation in 2025. She shared with them that at the next meeting, the company's performance data from the 2024 fiscal year will be released at that time. To begin his presentation, Dr. Stout provided a history of the staff evaluation process. He noted for the fiscal year 2024's review that this will be the last year HFSC undergoes the manual paperwork process. For future evaluations, HFSC will undergo a new assessment process in which the performance review will be entirely electronic and automated in HFSC's HR system, Paylocity. A new rating system will be implemented as well to replace the classic numbering scale along with new weighting measurements. With the background explained, Dr. Stout presented the proposed company goals: maintain a companywide voluntary turnover rate of 11-13%; all technical and support sections meet their production goals, which reflects meeting stakeholder needs and producing quality work; all technical and support sections meet their quality goals, which reflects improving reliability and robustness; and all technical and support sections complete 80% of their monthly 1-on-1 meetings with each employee in their respective team.

Following a motion by Director Hilder, seconded by Director Vasquez, the board unanimously approved Dr. Stout's annual corporate priorities and goals for 2024-2025.

**8. PRESENTATION FROM MR. DAVID LEACH, TREASURER AND CFO, AND CONSIDER APPROVAL OF FISCAL YEAR 2024 YEAR-END REVIEW, PROPOSED FISCAL YEAR 2024 BUDGET REALLOCATIONS, AND PROPOSED FISCAL YEAR 2025 AMENDED BUDGET AND POSSIBLE RELATED ACTIONS:**

Vice Chair Baird introduced the next topic to the board and called for an immediate voting to postpone the 2024 year-end review to the next meeting at Mr. Leach's request. The final financial report is not yet complete for the board's review.

Director Cohen made a motion to postpone the presentation on audited financial statements for the 2024 fiscal year to the next board meeting. Director Vasquez seconded the motion, and the board unanimously approved the motion.

With the 2024 year-end review postponed, Mr. Leach began his presentation on the proposed fiscal year 2024 budget reallocations and fiscal year 2025 amended budget. To begin, he explained to the board that while the budget for 2024 fiscal year has already been spent, the board needs to approve each line item where money wasn't overspent. Additionally, the board also needs to approve the line items' realignments for where the money was actually spent instead of what the original budget estimated. In the end, the net budget adjustment equals zero, despite the reallocations made by Mr. Leach. Next, for the fiscal year 2025 amended budget, he reminded the board that they originally approved a budget of \$35,697,000.00, which included additional funding needed in order to improve certain sections' wellbeing; however, the City of Houston only approved the additional funding for F.Bio and the property room project. Therefore, the final approved funds for fiscal year 2025 is \$32,723,000.00. With a lower budget, Mr. Leach had to amend the budget to accommodate the reduced funds.

Director Vasquez made a motion to approve the proposed fiscal year 2024 budget reallocations. Director Cohen seconded the motion, and the board unanimously approved the motion.

Following a motion by Director Huff, seconded by Director Hilder, the board unanimously approved the proposed fiscal year 2025 amended budget.

9. **CRIME SCENE UNIT DIRECTOR CARINA HAYNES' PRESENTATION ON MATTERPORT INC. 3D MODELING TECHNOLOGY AND EQUIPMENT AND CONSIDER APPROVAL OF A CONTRACT BETWEEN THE CORPORATION AND MATTERPORT INC. FOR THE 3D MODELING TECHNOLOGY, CAMERAS AND RELATED EQUIPMENT, DATA STORAGE, AND SUPPORT SERVICES, FOR A TOTAL CONTRACT VALUE OF \$760,710.00:**

For the final voting matter, Ms. Haynes started her presentation by explaining why crime scene mapping is crucial. This investigative tool is used by all Crime Scene Investigators (CSIs) on nearly every scene when documenting. Formerly, the CSIs would complete a hand drawn sketch with measurements that would then be transferred into an electronic file or perform a FARO scan when documenting larger scenes then convert it into a rendered file. Only a handful of CSIs are authorized to perform the FARO rendering on the computer. The sketches and FARO scans offer a visual representation of the spatial distance between evidence items on scene. This is helpful in determining the validity of victim and/or suspect statements, reconstructions, and for court presentation in trials. These two methods are common practices in the industry; however, they are problematic in the sense that gathering the data is time consuming and subject to human error. By using Matterport, these two concerns are reduced. The scan time is faster, and the entire scene is captured in detail. While a CSI is scanning the scene, there is a preview option which allows the CSI to review the file and take additional imaging before leaving the scene to ensure all areas are imaged. On the computer, the scans can be uploaded and rendered into a final 3D file, where users can measure anything that needs measuring, take photos, or do a walkthrough within the rendered file. These features will eliminate the need for CSIs to record a scene walkthrough and reduce the number of pictures taken while on scene. Also, the end results will be higher quality and much more accurate. The application is user-friendly for both parties, HFSC and stakeholders, to navigate. Additionally, the cost of an individual scanner is

much cheaper than the old products; therefore, replacing broken and old scanners is financially easier. After the presentation concluded, Dr. Stout provided commentary to support the Matterport partnership.

Following a motion by Director Hilder, seconded by Director Vasquez, the board unanimously approved the contract between Matterport INC. and HFSC, authorizing Dr. Stout to execute the agreement on the board's behalf.

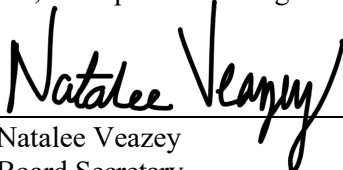
**10. QUALITY DIRECTOR JACKELINE MORAL'S REPORT:**

To begin, Mrs. Moral announced that the Quality division met their blind quality control submission goals for May and June. On a noteworthy item, the Australian New Zealand Policing Advisory Agency (ANZPAA) requested the Quality program to virtually present on the subject of blind quality control testing at their upcoming workshop titled, "System Testing in Forensic Science: Developing a strategic framework for standard requirements of quality assurance programs." For the ISO17025 accreditation program, HFSC completed its internal audits in May 2024. Mrs. Moral reminded the board that the audits demonstrate compliance to all accreditation standards, HFSC quality manual, OSAC registry standards, and section specific standard operating procedures (SOPs). She also briefly described how this process is accomplished. In addition, the Client Services/ Client Management's (CS/CM) internal audit is scheduled for August 2024, which will satisfy the AR3181 Property and Evidence accreditation program. Updates regarding this audit will be given at the next board meeting. Mrs. Moral gave a shoutout to all the employees who assisted the quality program with the auditing process. Lastly, she notified the board that the ANAB Surveillance visit and QAS External Assessment will occur in the last week of July. The assessment focuses on a sub-set of accreditation requirements with the primary focus being on Quality and Toxicology for this year. As for the external QAS assessment, ANAB will be conducting it on F.Bio because all laboratories that upload DNA profiles to the CODIS system are required to follow the standards set in place by the FBI.

**11. ADJOURNMENT:**

Director Vasquez made a motion to adjourn the meeting. Director Cohen seconded the motion. The meeting adjourned at 10:57 am.

The undersigned secretary of the board hereby certifies the following are true and correct minutes of the July 12, 2024 public meeting of the board.

By:  \_\_\_\_\_  
Natalee Veazey  
Board Secretary