

Houston Forensic Science Center, Inc.

VIRTUAL MEETING OF BOARD OF DIRECTORS
MINUTES
March 12, 2021

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 March 12, 2021 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 March 9, 2021 along with a free-of-charge videoconference link, dial-in phone number and an electronic copy of the agenda packet, as required.
- C. The virtual meeting on Microsoft Teams was called to order by Board Chairwoman Stacey Mitchell at approximately 9:00 a.m. on March 12, 2021.
- E. Board Secretary Jordan Benton called the roll. The following directors were present: Stacey Mitchell, Mary Lentschke, Anna Vasquez, Philip Hilder, Francisco Medina, Janet Blancett, Ellen Cohen, Lois Moore, Vicki Huff and Tracy Calabrese. Chairwoman Mitchell declared a quorum.
- F. 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.
- G. Chairwoman Mitchell recognized Secretary Jordan Benton for her years of service to HFSC and acknowledged Ms. Benton’s last day with the Corporation, March 12, 2021. Chairwoman Mitchell thanked Secretary Benton for her work with the board and presented a plaque to commemorate the occasion. Each member of the board expressed appreciation to Secretary Benton and wished her well.
- H. Chairwoman Mitchell asked the board to consider the appointment of Mrs. Ashley Henry as interim secretary of the Corporation, to serve in this capacity until the board is able to consider a candidate to fill the vacant position. The chairwoman introduced Mrs. Henry, HFSC’s manager of the client services and case management division (CS/CM), to the board for consideration. Director Moore made a motion to appoint Mrs. Henry. Director Blancett seconded the motion. Secretary Benton called the roll and the following

directors were in favor: Stacey Mitchell, Mary Lentschke, Anna Vasquez, Philip Hilder, Francisco Medina, Janet Blancett, Ellen Cohen, Lois Moore, and Vicki Huff. With none opposed, the motion passed unanimously. At the conclusion of the vote, Ms. Benton's resignation from the position of corporate secretary became effective immediately.

- I. Chairwoman Mitchell stated members of the public would now be given an opportunity to address the board. She stated the meeting agenda provided the public with an email address and phone number to sign up for public comment in advance. The chairwoman asked Secretary Henry if any members of the public wished to address the board. Mrs. Henry said no members of the public requested to address the board. The chairwoman opened the meeting for public comment. No one addressed the board during this time. Chairwoman Mitchell closed the public comment period at approximately 9:13 a.m.
- J. Chairwoman Mitchell asked if any changes needed to be made to the February 12, 2021, board meeting minutes. No directors offered changes. Director Hilder made a motion to approve the minutes. Director Vasquez seconded the motion. The chairwoman called for a voice vote and the motion passed unanimously.
- K. Chairwoman Mitchell announced Dr. Peter Stout, president and CEO, would be delayed in joining the meeting and the board would proceed with the report from Dr. Amy Castillo, vice president and COO. The chairwoman stated Dr. Stout would present his report to the board, upon his arrival.
- L. Dr. Amy Castillo provided an update regarding the impact of the severe winter weather in February, on HFSC operations. Dr. Castillo stated HFSC directed staff to prepare to work from home, in anticipation of the severe weather. However, she acknowledged the corporation's plan was disrupted when a large number of staff were unable to work from home due to prolonged power outages. She stated the lab's unexpected one-week shut down during this weather event, caused HFSC to lose ground on its recent progress. Dr. Castillo reminded the board that staff will soon reach the one-year milestone of working modified schedules (COVID19 schedules), which presents an additional challenge to HFSC's recovery. Dr. Castillo also commented on the Lean Six Sigma (LSS) project in the latent print section and said this month would be a challenge for that section's capacity. She announced that Aimee Grimaldi will be presenting the operations report and an update on this LSS project at the next board meeting in April. Dr. Castillo said HFSC was unable to conduct casework onsite for five days and staff members were unable to consistently work from home. She said that of the 294 requests completed during the shut-down, approximately 190 were from the toxicology section. Dr. Castillo said production started back quickly when staff returned onsite. She said the storm impacted evidence transport, which normally includes 700-800 items of evidence per week. She said no items were transferred during the week of the storm. She stated evidence transfers require a full day to complete, which is more challenging currently, because of the 50% reduction in staff onsite. Dr. Castillo said CS/CM limited the number of evidence items transported after the weather event. She said these limitations did not severely impact the analytical sections but did impact CS/CM and NIBIN. Dr. Castillo said evidence transfers are now back to normal. Dr. Castillo said HFSC has made a lot of

progress with staff vaccinations and as a result, certain HFSC sections will be coming back onsite at 100%. She stated CS/CM will return to full staff on March 29, 2021, while seized drugs, digital multimedia, and firearms will return to full staff on April 5, 2021. Dr. Castillo assured the board that staff onsite would continue wearing masks and social distancing by limiting the number of staff working on each floor. She also emphasized the importance of bringing certain sections back onsite who desperately need to return at 100%. Dr. Castillo said last month the seized drug backlog was plateauing; however, due to the storm, the backlog has increased from 314 requests to 392 requests. She stated HFSC's plan is to spend the month of April focusing on the backlog and seized drugs will present at the board meeting in May. Dr. Castillo said the toxicology backlog remained status quo between January and February. She stated the expected date for the blood alcohol backlog clearance has been extended two weeks to June 30, 2021. She said toxicology will present at the board of directors meeting in June. Dr. Castillo said the storm impacted how many requests the forensic biology section was able to complete. She said the section has been ahead for the last couple of months and is still on target to eliminate the backlog. She stated the in-house sexual assault kit backlog still decreased, and this backlog should be cleared by the end of April. Dr. Castillo said the biology section is outsourcing incoming kits to allow HFSC staff to focus on the in-house backlog and training. She said the visible increase in the sexual assault kit backlog was due to the biology section's inability to issue outsource reports during the storm, but the section has made progress. She said that four DNA analysts are in training and on schedule to be signed off in August.

- M. Chairwoman Mitchell introduced the next agenda item, the outsourcing of forensic biology DNA services to help eliminate HFSC's sexual assault kit backlog, funded by the FY19-BJA DNA Capacity Enhancement and Backlog Reduction (CEBR) federal grant. She reminded the board the initial contract was approved by the board in 2020. Dr. Castillo stated outsourcing is a critical component to clearing the backlog, which also allows HFSC staff to focus on the in-house backlog and training. She said cost savings from the FY19 grant are now available for HFSC to reallocate to outsourcing. She said approving these contract amendments allows HFSC to make a smooth transition to the next grant award by outsourcing remaining shipments to vendors without interruption. Director Cohen asked questions regarding the number of kits currently in the backlog, how HFSC determines which kits to outsource and which laboratories are used. Dr. Castillo said 619 kits are in the backlog: 140 in-house, 384 outsourced, and 95 awaiting outsource review. She stated incoming kits are being outsourced through the end of the year and kits that have been processed within the lab, are staying in-house. She also said HFSC currently outsources to Bode in Virginia and Signature Science in Austin. Chairwoman Mitchell said the contract amendment for the board's consideration, is between HFSC and Bode Cellmark Forensic for DNA services, to be funded by the FY2019-BJA DNA-CEBR federal grant. She stated the anticipated budget is \$457,607.00, but not to exceed the total allotted outsourcing budget of \$915,214.00. Director Cohen made a motion to approve the Bode Cellmark Forensics contract amendment. Director Hilder seconded the motion. Secretary Henry called the roll and the following directors were in favor: Stacey Mitchell, Mary Lentschke, Anna Vasquez, Philip Hilder, Francisco Medina, Janet Blancett, Ellen Cohen, Lois Moore, and Vicki

Huff. With none opposed, the motion passed unanimously. Chairwoman Mitchell asked the board to consider the second CEBR grant funded contract amendment between HFSC and Signature Science, LLC. Director Hilder made a motion to approve the contract amendment and Director Moore seconded the motion. Secretary Henry called the roll and the following directors were in favor: Stacey Mitchell, Mary Lentschke, Anna Vasquez, Philip Hilder, Francisco Medina, Janet Blancett, Ellen Cohen, Lois Moore and Vicki Huff. With none opposed, the motion passed unanimously.

- N. Chairwoman Mitchell stated HFSC is fortunate to receive grant dollars every year and in the interest of quickly responding to time-sensitive requests for grant contract amendments, the Board may want to consider using the approval process in its current financial policies. She said these policies allow the Chair and Vice Chair to approve this level of spending, along with Dr. Stout and Dr. Castillo. She stated if the board approaches grant dollars in this way, the board would be updated at the next boarding meeting following the approval. Chairwoman Mitchell asked the board if this process would be agreeable. She stated the board would not need to vote on the matter, but she did want to reach a consensus on the proposal. Director Blancett asked how quickly the turnaround time would typically be for HFSC grant contract amendments. Ms. Akilah Mance, general counsel, said HFSC's turnaround time for approving amendments can be quick, depending on the grant, where HFSC is in the grant year, and the budget. She reminded the board of Board Resolution 2015-001 which sets out the approval mechanism for corporate expenditures. She also reminded the board of its approval to incorporate this approval mechanism in HFSC's financial policies approximately 1.5 years ago. Ms. Mance said HFSC presents all amendments and expenditures above the \$200,000 threshold to the board, by practice and habit, but the financial policy already allows the chair or vice chair to approve instead. Dr. Castillo informed the board that time-sensitive grant budget adjustments are often a result of the unpredictable nature of the federal approval process, rather than HFSC's decision-making timeline. Director Blancett also inquired about the ways in which approval by the chair and vice chair would be recorded. Ms. Mance explained the contract amendment would include documentation and HFSC's procurement workflows would provide additional documentation. She further explained the board would have a full and public accounting of the amendment at the next board meeting following approval. Ms. Mance stated staff would work with the board regarding the details of this process and the proposal would be limited to grant contracts, that were previously approved by the board. Chairwoman Mitchell asked for any additional questions and no questions were received. She stated the board had reached a consensus on moving forward with this proposal and the chairwoman would discuss details with HFSC's staff.
- O. The agenda item regarding the president and CEO's report, was taken out of order, at the discretion of the chairwoman. Dr. Peter Stout, president and CEO, reported concerns still remain about turnaround times and completed requests, but stated having staff back onsite will help. He said staffing has been active and noted a few changes to the presentation including the withdrawal of one DNA analyst's acceptance of HFSC's offer

of employment. He also stated the NIBIN technician opening has been filled internally from CS/CM, which creates a new vacancy in CS/CM. He discussed HFSC's decision to put the open crime scene investigator (CSI) position on hold due to the number of CSIs in training (10) and/or being signed-off, which is a significant load for the unit to manage. Dr. Stout acknowledge three staff members who achieved certification. He also gave an overview of staff outreach activities and commended the staff's ability to interact with a diverse group of organizations through virtual outreach events. Dr. Stout described the impact of severe winter weather on the 500 Jefferson building and HFSC operations. He addressed weather-related issues in the building, including water in the basement, exposed and frozen pipes, HVAC issues, ruptured pipes in the heat exchangers, and network outages. He stated HFSC did not suffer any damage to its workspaces. He stated building management was able to resolve weather related issues in a timely manner. Dr. Stout stated the greatest impact on productivity was power outages at staff members' homes. He commended the building owner and staff's response to facility issues during the storm, which Chairwoman Mitchell echoed. Dr. Stout provided an update from the CSU Lean Six Sigma (LSS) project, which identified the manual nature of CSI's documentation in the field. He described several steps in the process that are duplicative, time consuming, require transcription, and leave room for variability between CSIs. Dr. Stout stated CrimePad is a product HFSC should revisit to help find better engineered solutions for CSU. He described CrimePad as a software system designed for primary use as a mobile application on tablets, to help CSIs document crime scenes. Dr. Stout stated CrimePad is able to integrate with HFSC's laboratory information management system (LIMS), which means case notes and documentation can directly upload to LIMS as part of the report, without transcription or duplicative work. He said CrimePad also has the ability to print evidence labels in the field, enforce validation rules, and provide real-time visibility into what occurs at crime scenes. Dr. Stout said CrimePad has thousands of individual users and the company states its software is currently used in 30 different agencies. Dr. Stout said some of these agencies are using CrimePad in ways that are similar to what HFSC intends to do. Director Blancett asked questions about CrimePad's ability to audit information entered into the database and integration into LIMS. Dr. Stout said the software has a full audit trail and audit report capabilities. He said LIMS should not need any changes to work with CrimePad, but may require some work to integrate with some of the alternate programming interfaces (APIs). He stated an established agency has integrated CrimePad with JusticeTrax, which is promising. He said CrimePad would be an improvement for CSU even without integration. He acknowledged CrimePad's ability to pull information from HFSC's other systems is a more difficult and complex integration. He said the budget includes software licensing, mobile tablets, and printers. He informed the board of a few CSIs who are currently testing CrimePad and recommended attempting to procure licensing early in the next fiscal year. He estimated CrimePad would take 3-6 months for integration into LIMS, followed by three months for training. He stated CrimePad could reasonably be active by the first quarter of next calendar year. In response to Director Blancett's question regarding integration, Dr. Stout said Seattle Police Department has integrated CrimePad

with a different version of JusticeTrax.

- P. Ms. Erika Ziemak, quality director, said the quality division was four samples short of its goal for February blind submissions in toxicology due to the winter freeze. She said quality does have a plan to send more blind toxicology samples over the next few months, while spacing them out through normal casework, to stay on track to meet the annual goal. She stated all other blind submissions were on target for the month. Ms. Ziemak said HFSC has submitted a manuscript to the Forensic Science International journal, through a collaboration with CSAFE (Center for Statistics and Applications in Forensic Evidence). She said the manuscript is in the adjudication phase, which allows editors to provide feedback to the coauthors, who in turn, incorporate the changes. Ms. Ziemak said a latent print (LP) examiner incorrectly identified a real case as being a blind submission. She reminded the board of her previous report regarding an actual blind submission which was correctly identified by another examiner. She stated both examples highlight the challenge quality faces in attempting to mimic real casework. In response to Director Cohen's question regarding blind submissions generally, Ms. Ziemak explained the blind quality control program involves the quality division submitting fictitious cases into the normal workflow, without the analyst's knowledge. Ms. Ziemak said blind submissions allow HFSC to gain unique insight into the workflow and serve as a compliment to the open proficiency testing required for accreditation. She also stated HFSC has one of the most robust blind proficiency programs in the nation, submitting over 40 samples each month. Ms. Ziemak discussed the work of the Organization of Scientific Area Committees (OSAC) in creating discipline-specific standards for its registry. She reminded the board of its previous vote to voluntarily incorporate OSAC standards into HFSC policies, within one year of inclusion in the registry. She said the OSAC registry currently includes published standards in forensic biology (two), digital and multimedia (three), and toxicology (one). She said HFSC sections are aware of these standards and working towards achieving compliance. Ms. Ziemak said the Standard for Validation Studies of DNA Mixtures, and Development and Verification of a Laboratory's Mixture Interpretation Protocol is a standard that requires HFSC to complete additional lab work to achieve compliance. She stated quality is working with biology on this effort, having discussed a timeline and scheduled weekly meetings, to ensure all are on target. Ms. Ziemak said HFSC will be submitting a disclosure to the Texas Forensic Science Commission (TFSC) involving a former LP examiner who is no longer employed by the corporation. She said HFSC identified database searches the examiner failed to perform. She explained when the latent print section obtains a latent print from an item of evidence, the print can be searched in the AFIS (Automated Fingerprint Identification System) database; a database which has three levels – county, state, and federal. She stated HFSC's investigation revealed discrepancies between the former LP examiner's case notes and what actually occurred with the database searches. She said HFSC has informed Harris County District Attorney's Office (HCDAO), TFSC, and ANSI National Accreditation Board (ANAB). She also said the investigation is active and ongoing, so the information presented is not a final conclusion. Ms. Ziemak stated one of the notifications included a capital murder case where the examiner documented four latent prints as having "no hits" in each of the three databases, however, HFSC discovered the results of the submitted state database

searches were never viewed by the examiner. Additionally, she stated the four prints were never searched in the federal database, which could potentially result in a missed association with a known individual. Ms. Ziemak said HFSC has now viewed the previously unviewed state search results and performed the federal AFIS search, which was not submitted by the examiner. As a result, Ms. Ziemak stated one of the four prints searched in the federal database resulted in a preliminary association with a known individual, who was previously not associated with the case. She said the LP section is reworking the entire case with HCDAO's approval. As of this date, she said HFSC has reviewed 55 cases from this former LP examiner and identified 11 discrepancies/inconsistencies between the case documentation and documentation within the databases. She said HFSC is compiling case information and in the process of providing that information to the HCDAO. Ms. Ziemak said the former LP examiner was employed at HFSC for six years and worked over 1,000 cases. She said HFSC does not have the resources to rework all of these cases and needs more information from HCDAO to help navigate decisions regarding the next steps forward. She stated at this point in the investigation, HFSC has found no evidence that any of the examiner's comparisons or identifications have issues. She reminded the board that when an identification is made, it automatically goes to a second, independent verifier who must agree with the conclusion before it is confirmed. Ms. Ziemak stated this second verifier is a quality control mechanism built into the process. Despite the quality control measures for positive results, she acknowledged this investigation presented an opportunity to review the risks associated with negative results, and to improve HFSC's processes. Director Blancett asked about the number of LP negative results as compared to the number of positive results, however Ms. Ziemak stated the LP section would be in the best position to provide that information. Director Blancett also asked if HFSC is able to go back and look at cases to find potential false negatives, and if HFSC can identify a statistically significant percent of cases to review in an audit. Ms. Ziemak stated reviewing all negatives conclusions would involve an extensive manual element and HFSC would need to do more research to determine an appropriate percentage of cases to review. She said quality wants to discuss options with the HCDAO to determine the best approach moving forward. Dr. Stout said HFSC could potentially invest in a retroactive audit but would need to stratify the approach to attack the biggest risk first. He said the system provides several controls around the inclusion of a print, but unlike DNA, latent print results are not a binary event for a false negative or a false positive result. Dr. Stout also acknowledged the challenge in reviewing negatives/ no hits in latent prints is the AFIS algorithm does not always return the same results twice and fingerprint are constantly added to the database. Director Huff asked about the potential for electronic monitoring to ensure prints are actually searched in the database. Ms. Ziemak said the quality division is collaborating with LP management to see where they can incorporate quality control checks and preventing recurrence is part of quality's investigation. Director Vasquez asked about HFSC's reliance on the HCDAO's opinion regarding how to proceed with the audit. Ms. Ziemak clarified her comments, stating HFSC is open to considering opinions from stakeholders, but ultimately HFSC needs to be comfortable with the outcome, as does HFSC's accrediting body and TFSC. Dr. Stout stated HFSC has a duty to notify and correct case errors, as does the HCDAO under *Brady* and Michael Morton Act. He stated HFSC is working with HCDAO on how to approach and

mitigate the most serious risks first. Ms. Ziemak informed the board that proficiency testing for 2021 has started, although a few lingering 2020 tests are still being completed. She said three analysts have testified this year, and all have been monitored. She stated four transcripts have been received, three in biology and one in firearms, all of which will be reviewed in the next round of the transcript review project.

Q. Ms. Carina Haynes, acting crime scene unit (CSU) director, said the severe winter weather did impact CSU. She explained that in an emergency situation, CSU moves to an emergency schedule where all crime scene investigators (CSI) report to the office and work in rotating shifts. She said during the winter storm she asked for CSI's to volunteer instead of activating the emergency schedule. She said this option was taken in consideration of the home life of all CSIs. She said CSU received nine volunteers to work during the winter storm; working 12-hour shifts, from 6am-6pm and 6pm-6am. She also said a work from home option was available to CSIs who did not volunteer to come onsite. Ms. Haynes further explained the work from home option required CSIs to find a crime scene related online course or training, obtain supervisor approval, and create a presentation or written document. Ms. Haynes said if staff did not volunteer and could not work from home, vacation time was used. She stated CSU was able to monitor HFSC's controlled spaces, mitigate building issues quickly and prevent additional weather related issues from occurring. Additionally, she stated CSU responded to two death investigations, two aggravated assaults, four homicides, and one officer involved shooting. She said CSU took advantage of the snow as a training opportunity and were able to practice casting shoe prints in the snow with snow-print wax. She said CSU learned several lessons from the winter storm. Ms. Haynes said CSIs appreciated the volunteer schedule and work from home options, while HFSC benefitted from having CSU onsite to quickly address building issues. She acknowledged communication among the unit was difficult, but stated CSU could now utilize the Everbridge mass text system, to disseminate information to its staff in a quick and uniform manner in future emergencies. Ms. Haynes said the crime rates are trending upward, with a 67% increase in homicides between January 1, 2021 and February 28, 2021, an increase since last year at the same time which was a 56% increase in homicides between January 1, 2020 and February 29, 2020. She said this trend is occurring across the country. Ms. Haynes displayed a weekly FBI chart comparing homicide rates in major cities across the country. Ms. Haynes said CSU is focusing on projects and continuous improvements. She said one of those projects is the revision of annual performance goals. She stated CSU develops sections goals each year; however, no one could predict what 2021 would look like and therefore, CSU is revising goals to be more attainable for the entire unit. Ms. Haynes said she will get input from CSIs about the goals and meet with supervisors to go over mid-year reviews, including how to give feedback to CSIs about their progress and communicate information about the newly revised goals. Ms. Haynes stated four new CSIs are starting in March, and two graduated from the training academy today (03/12/2021) who will report to work on Monday to start the HFSC training program. Ms. Haynes said CSU will begin running its drone program parallel to current practices after March 16, 2021. She said CSU will use the drone to capture data, in addition to current mapping practices like sketching and FARO. She stated CSU will compare the data from the drone with current practices to see what works best in each situation. She

stated CSU has been working on improving lighting techniques at outdoor scenes. She said one CSI discovered a way to repurpose HFSC tripods by mounting rechargeable and waterproof lamps/lights on the tripod, for use on scene. Ms. Haynes said the last improvement in CSU is an upgrade to Dataworks, a photo storage system controlled and operated by HPD. She stated CSIs go to the crime scene, take photos, report back to HFSC and upload the photos into the digital database (Dataworks). She said in the past, Dataworks ran on Internet Explorer, but since Internet Explorer is being phased out, CSU needs to find a better way to access the program and upload photos quickly. Previously, CSIs were required to use one of three kiosks to upload photos, but with the new upgrades, CSIs can view photos quicker and upload photos from their desk. Director Blancett asked if there was any way to integrate the photo database with CrimePad and posed concerns about creating silos for data. Dr. Stout said that Visionations is the company that develops CrimePad and some integrations are available for a photograph archive system. He said it places a value on the photograph to monitor changes and this topic is an ongoing conversation with HPD. He said there is potential for integration between Dataworks and CrimePad and HFSC is pursuing those options. He stated the time it takes to upload photos into Dataworks is very slow and some of the issues include the virtual private network connection, memory on existing computers, server updates with HPD, and client updates with HFSC. Director Blancett asked if the digitalization would help make the workflow easier to follow and identify when SOPs were not being followed. Dr. Stout said CrimePad software does have mechanisms built into it, for this purpose.

- R. Chairwoman Mitchell requested a motion to adjourn the meeting. Director Hilder made a motion to adjourn. Director Cohen seconded the motion. The meeting ADJOURNED at approximately 11:03am.

By: Ashley Henry

Ashley Henry, Interim Secretary