

Houston Forensic Science Center, Inc.

VIRTUAL MEETING OF BOARD OF DIRECTORS

MINUTES

October 9, 2020

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 October 9, 2020 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](http://www.houstonforensicscience.org) on October 6, 2020 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 a.m. on Friday October 9, 2020.
- D. Board Secretary Jordan Benton called the roll. The following directors were present: **Stacey Mitchell** (the chairwoman’s photo was visible in her icon during the meeting,) **Philip Hilder** (“PH,”) **Anna Vasquez** (“AV,”) **Francisco Medina** (“FM,”) **Janet Blancett** (“JB,”) **Lois Moore** (“LM,”) **Vicki Huff** (“VH,”) **Ellen Cohen** (“EC”) and **Tracy Calabrese** (“TC”)

Mary Lentschke was absent from the meeting. Chairwoman Mitchell declared a quorum.

- E. 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.
- F. Chairwoman Mitchell said the board agenda included an email address and phone number for members of the public to use to address the board. The Chairwoman asked Secretary Benton if any members of the public wished to address the board. Ms. Benton said no one had requested to address the board. The chairwoman opened the meeting for public comment. No one addressed the board. Chairwoman Mitchell said that she would close the public comment period later in the meeting.
- G. Chairwoman Mitchell asked if any changes needed to be made to the September 11, 2020 board meeting minutes. No directors had changes. Director Cohen made a motion to approve the minutes. Director Hilder seconded the motion. The Chair called for a voice vote. The motion passed unanimously.

- H. Chairwoman Mitchell presented a chair's report. She said she spoke about evidence management, specifically sexual assault evidence, at HFSC's annual symposium co-sponsored by the Quattrone Center for the Fair Administration of Justice.
- I. Chairwoman Mitchell asked Secretary Benton if any members of the public had joined the meeting to speak during the public comment period. No one addressed the board, and the public comment period was closed.
- J. Dr. Stout told the board that the overall turnaround time slide in the board member's virtual packet was incorrect and they were sent a new one. It was also incorrect in the publicly posted document on HFSC's website and would be updated after the board meeting. He said the latent print and forensic biology/DNA sections continue to work through their backlogs, and that toxicology is a large part of the work being completed as that section also completes the oldest cases in its backlog. Dr. Stout said Ms. Rebecca "Becky" Green recently promoted from the latent print section's technical leader to section manager. Mr. Kristopher Wingert has been promoted from a crime scene investigator to a supervisor in the crime scene unit. Dr. Stout said throughout the pandemic, HFSC has continued to recruit for vacant positions without issue. He said some other vacancies have also been posted internally. Ms. Ashley Henry, manager of client services and case management, earned her paralegal certification from Rice University. Chairwoman Mitchell congratulated her on this accomplishment. Dr. Stout said HFSC held its annual symposium with the Quattrone Center for the Fair Administration of Justice. He said about 500 people participated in the virtual event that addressed evidence handling. He said questions about evidence disposal made it clear that another event to tackle in the future. Some exonerations depend on evidence being available to retest or reanalyze years after an incident. He said HFSC will work with the Quattrone Center to hold a future event focused on this topic. The Southwestern Association of Forensic Scientists, or SWAFS, also held its annual meeting in October. Dr. Stout said the virtual meeting had more than 1,400 registrants. HFSC presentations made up a large part of the agenda. Dr. Stout shared recent staff outreach events, including an HFSC-sponsored virtual murder mystery event in honor of National Forensic Science Week that had almost 200 attendees. HFSC staff built a website for the event that got about 3,000 visits. Staff selected five winners, one from Norway and another from Argentina.
- K. Dr. Stout said renovations at the vehicle examination building, where CSU processes vehicles for evidence, is progressing. The project is funded by a federal grant, the City of Houston, the Houston Police Department and a small grant match by HFSC. Dr. Stout said the insulation work has been completed and other work, such as installing new light fixtures, is moving along on schedule. He said he gave HFSC staff a virtual tour of the building during one of his weekly video messages. Dr. Stout said IT connectivity work will be completed after the rest of the other work is done on November 2. As a result, it will take longer for the VEB's security system to be integrated with the one at 500 Jefferson, but it will not compromise security.
- L. Dr. Stout reminded the board that presenting HFSC company goals annually is part of his contractual obligation. Of the five company goals, Dr. Stout revisited the production goal since that was not complete in September. Since the previous goal was based on turnaround times

and backlogs decreasing simultaneously, a built-in conflict, HFSC will use two different measures in the production goal for the upcoming year. The production goal for next year will look at lab analysis turnaround time and the average age of pending cases in the backlog. The lab analysis turnaround time goal, which looks at the time it takes from the moment testing begins to when it ends, will be 28 days or less. The second part of the production goal is to reduce the average age of pending cases by 30 percent. Support sections have their own target turnaround times that are separate from the production goals.

- M. Dr. Stout said the City of Houston and HFSC have reached an agreement for the City to provide federal dollars under the Coronavirus Aid, Relief, and Economic Security Act or CARES Act, that will cover the costs of certain pandemic-related expenses. Dr. Stout said the funding will help cover costs of weekly COVID-19 testing for staff through probably the end of the year, IT and network upgrades needed to make remote work more secure, and more toxicology outsourcing since the pandemic has delayed training and instrument validation. Dr. Stout requested the board approve the Second Amendment to the First Interlocal Agreement between the City of Houston and HFSC which will allow the City to give HFSC up to \$1,358,652.00 in CARES dollars to cover pandemic expenses. Director Hilder made a motion to approve. Director Blancett seconded the motion. Secretary Benton called the roll, and the following directors were in favor: Stacey Mitchell, Philip Hilder, Anna Vasquez, Francisco Medina, Janet Blancett, Lois Moore, Vicki Huff and Ellen Cohen. With none opposed, the motion passed unanimously.
- N. Dr. Amy Castillo, vice president and COO, told the board that some sections are still recovering from the shutdown caused by Hurricane Laura. She said most staff also worked from home for one day due to Hurricane Beta. Despite these disruptions, Dr. Castillo said the percentage of cases in the backlog decreased. Dr. Castillo said the seized drugs section was impacted most by the Hurricane Laura shutdown. The section is currently unable to do a lot of work from home. Funding from the CARES Act will help the section make the IT improvements necessary for staff to do more remote work. The seized drugs section is also facing the challenge of the new marijuana testing method, which launched September 8. The new semi-quantitative method allows analysts to differentiate between hemp and marijuana by determining whether THC levels in a plant product are above or below 1 percent. The new Texas law defines hemp as being a product from the *Cannabis sativa L* plant with a THC concentration of 0.3 percent or less. When the section launched the testing, the section had 16 requests that had accumulated over the year that marijuana testing was halted. By the end of September, the section had 78 marijuana testing requests and completed six. The new testing takes about twice as long to complete, so the section is working through the potential implications of this process long-term. The seized drugs section is also dealing with increased testing time for methamphetamine, or meth, since pills that come into the lab for analysis may or may not contain the controlled substance, in part due to a current shortage of meth on the streets. Increased enforcement efforts from the Drug Enforcement Administration to get meth off city streets, including Houston, is also contributing to this increase in testing time since more meth cases are being submitted. Dr. Castillo said the forensic biology/DNA section had exceeded their monthly internal backlog elimination goal for the month, bringing the backlog down to 946 cases. They succeeded despite an increase in the number of submissions received in September. Toxicology also made a dent in its backlog, though not as significant as in previous months because training has ramped up, as Dr. Dayong Lee, the section's manager, said would occur when she presented to the board in September. The blood alcohol backlog

decreased by about 100 requests and the backlogged drug outsourcing requests dropped by about 150. Dr. Castillo said the five new toxicologists should complete blood alcohol training between the end of October and January 2021, which will help make the section more sustainable in the long-term even though training might slow things down in the short term. Dr. Castillo said Ms. Green took over as the latent print section manager on September 19. The section will also begin its process improvement project on November 5, which will help identify further efficiencies in the process. Dr. Castillo said she expects to see a decrease in the number of latent print requests completed monthly since seven of the 10 team members will be on the process improvement team and dedicate 25 percent of their time to the project. The section has also been working with the Houston Police Department (HPD) to prioritize requests by identifying those that have been cleared by HPD so HFSC can in turn close any associated latent print requests that have not yet been completed. If the latent print work is needed as the case moves closer to trial, a new request will be submitted. So far, this new process has allowed the section to close between 12 and 15 cases per month, which is roughly the monthly output of one latent print examiner.

- O. Mr. David Leach, CFO and treasurer, reviewed highlights from an annual audit performed by Blazek and Vetterling, an independent certified public accounting firm. Mr. Leach said the annual audit consists of two parts and the auditors issued an unqualified opinion on both audits, meaning there were no official findings. However, Mr. Leach said the auditors found a significant deficiency worth noting. In this instance, the deficiency was in HFSC's failure to follow its own procedures when complying with federal grants. HFSC did not follow its own procedures for making purchases between \$10,000 and \$150,000. The auditors recommended HFSC re-emphasize to staff the procurement process and the need to adhere to policies and procedures. The finance division has acted on this recommendation. Chairwoman Mitchell asked Mr. Leach what action HFSC would take to avoid errors like this moving forward. Mr. Leach said as a corrective action, the finance division has a good system in place but needs to be more diligent in following their own procedures. That will be the focus going forward. Mr. Leach reviewed the treasurer's report and said capital spending is higher due to the 500 Jefferson building lease and the two LC-QQQ instruments leased for toxicology section. Personnel spending will be higher this year due to the \$1.6 million increase for toxicology to hire five new analysts.
- P. Ms. Courtney Head, manager of the forensic biology/DNA section, said the section is learning the implications of using a new probabilistic genotyping software, STRMix, which helps the section interpret DNA mixtures or an evidence sample with DNA from two or more people. Prior to implementation of the software, analysts were not able to interpret 56 percent of samples. Now only 23 percent of the section's samples are not interpretable. This allows the section to provide more information to stakeholders, but also increases the workload for analysts by 33 percent. Ms. Head said prior to implementing STRMix each analyst completed an average of about 24 cases monthly. Production has decreased by about 50 percent since analysts began using STRMix. Ms. Head said she anticipates production to increase by January as staff become more comfortable but they will not likely get to an average of 24 cases a month. The software has also impacted the CODIS unit, the team responsible for uploading profiles into the national database, the Combined DNA Index System. When a partial DNA profile is entered into the database, it can lead to almost 200 matches, which then must be sifted through one-by-one to determine a potential hit. Prior to the pandemic, the CODIS unit had fewer than 100 matches monthly. In September, there were 750 matches. Three profiles

alone generated 450 of those matches. This has created a great deal additional work for the CODIS unit, though they have maintained a 30-day turnaround time. However, if matches remain high it could pose issues in the future. Over the last few months, CODIS has provided an increased number of notifications to investigators, which could be a convicted offender match to an evidence profile in CODIS, or a case-to-case match, where evidence in one case matches evidence in a second case. Ms. Head said a new round of DNA analyst training recently began and should be completed by July 2021. To eliminate the section's backlog and continue training, the section must continue using federal grant dollars to pay commercial laboratories to test rape kits. Ms. Head said she anticipates the section will eliminate its backlog by November 2021, but there are many factors that could throw the section off track from its goal. She said she will update the board if setbacks occur. Director Blancett asked if the criteria for CODIS matching can be adjusted to help narrow the number of potential matches. Ms. Head said the section is exploring additional softwares, but implementation will take time.

- Q. Ms. Cheron Maxwell, the new DNA technical leader, introduced herself to the board. Originally from Hampton, Va., Ms. Maxwell earned her bachelor's degree in forensic science from Virginia Commonwealth University and a master's degree in forensic science from George Mason University. Ms. Maxwell began her career as a DNA technician at Bode Technology and was later promoted to an analyst position, where she focused on older cases and Innocence Project work. Ms. Maxwell initially joined HFSC in 2018 as a training coordinator where she designed training programs for technicians and writers, assisted with the section's transition to probabilistic genotyping and prepared analysts for written exams, mock trials and STRmix oral exams. As HFSC's new DNA technical leader, Ms. Maxwell will oversee the DNA laboratory technical operations, approve training programs, analyst authorizations and proficiency testing. She will also approve technical specifications and contracts for outsourcing agreements, and review and update standard operation procedures in compliance with the FBI's quality assurance standards and ISO 17025 standards. Ms. Maxwell told the board that the current DNA training program, which currently includes four staff members, has been overhauled to incorporate improvements and lessons learned from the previous round of training. DNA report writing is rigorous, so it has been divided into five parts: DNA interpretation, STRmix, CODIS, report writing and testimony. The goal is to ensure the training is producing competent and qualified analysts and includes lectures, practice exercises, written and oral exams and a mock trial. Ms. Maxwell said the goal is for participating staff to dedicate 75 percent of their time to training and 25 percent to fulfilling their current technician duties. The second goal is to implement assessments to track the trainees' progress. This includes four checkpoints to assess their understanding of the material and identify areas where additional training or mentorship is required. Lastly, the group is scheduling in advance the paperwork review for each trainee to provide the quality director, forensic biology/DNA manager and DNA technical leader enough time to review the voluminous material.
- R. Mr. Jerry Pena, director of the crime scene unit and multimedia section, said CSU responded to 36 homicide calls in September, compared to 24 in September 2019. As of October 9, Houston already had 14 more murders. Mr. Pena said Houston has seen a 34 percent increase overall in the city. Mr. Pena said CSU is also receiving more requests from HPD to respond to aggravated assaults. In September 2019, the unit responded to only nine aggravated assault calls. In September 2020, CSU responded to 30, which is still a small percentage since HPD

had 1,365 aggravated assaults in September. Mr. Pena said CSU does not have the capacity to respond to more calls since it has only 28 personnel. He added that some of those 28 people are still in training or on extended military leave. This places tremendous mental and emotional strain on the CSIs, leading to burnout. Mr. Pena said services are available to CSIs to help with any emotional challenges. Next month, Mr. Pena will present to the board a five-year plan to expand CSU so it has more adequate staffing, equipment and training. Chairwoman Mitchell said she is concerned about the impact on staff from the combined effects of increasing crime, COVID-19, insufficient staffing and increased requests. She said additional staff is the only solution. Dr. Stout added that the repercussions of CSU's inadequate staffing levels and internal burnout from overworked staff will impact stakeholders since someone else will need to account for the work. Mr. Pena shared how CSU is continuing operations at the vehicle examination building as renovations are ongoing, noting there too the section is seeing a significant increase. Mr. Pena said last September, CSU received 44 vehicles compared to 59 this year. CSIs use the same procedures to process a vehicle as they do any crime scene, so it takes time. Mr. Pena thanked HPD for allowing CSU to store vehicles in their lot during the renovation and said the group is using tarps to protect the vehicles from potential contamination as construction continues.

- S. Ms. Erika Ziemak, quality director, said the quality division met its monthly goals for blind quality control submissions in September. Ms. Ziemak told the board that a firearms examiner, who has correctly identified blinds in the past, incorrectly identified a real case as a blind. The request asked for the examiner to compare a .32 caliber cartridge to a .38 caliber revolver, and this, along with other details in the case led her to believe it was a blind. But it wasn't. The forensic biology/DNA section discovered a blind when the section's triage team reached out to HPD to inquire about the case and the investigator, in response to the question, forwarded a quality division email noting the case as a blind. A toxicology blind came back with a result that was outside the expected range for blood alcohol content. The sample came from the same lot as several other samples that had already been tested so the quality division knew what the expected results should be. The quality division requested the toxicology section retest the sample along with the two other tubes in the collection kit, which also had a lower concentration than expected. The additional testing gave the same result as the first analysis, confirming the reliability of the toxicology section's analysis. The quality division now had three potential hypotheses: there was not enough preservative added to the tubes at time of manufacture, the tubes created at the vendor lab were not homogenous or there could be an issue with the tube's seal, which could have happened prior to getting to the vendor laboratory. The quality division then had an outsourcing laboratory test the samples in the three tubes and those results were the same as those of HFSC's toxicology section. The quality division has narrowed down the root cause of the issue to be either a problem with how the sample was created by the vendor laboratory or to the manufacturing of the tube itself. The quality division will continue to investigate the matter but may never determine the root of the problem. Finally, the forensic biology/DNA section also discovered two blinds when both were sent to a commercial laboratory for analysis. Each blind included one item of evidence and one known reference sample. During the commercial laboratory's analysis, they found that each reference sample had the same DNA profile but two different names, a red flag. The external laboratory contacted HFSC with their results, alerting forensic biology/DNA staff to the potential that both cases were in fact blind quality controls, which they were. Ms. Ziemak said this instance confirmed the outsourcing lab's quality control checks are functioning as expected. The blind cases will continue through the rest of HFSC's process since the analysts themselves are

unaware which cases are in fact controls. HFSC's forensic biology/DNA section will be assessed to the FBI quality assurance standards (QAS) between October 13 and October 15. This is the first time the section will be assessed to the updated QAS standards. HFSC must meet these standards to access CODIS. The assessment team is made up of three auditors. One will be onsite and two will participate remotely. Ms. Ziemak said HFSC received a dissatisfied survey response regarding the multimedia division. The quality division has reached out to the HPD investigator that completed the survey and has interviewed members of the multimedia section that may have been involved. It appears this is a case of miscommunication, but a final conclusion will be shared at a future board meeting. She added that going forward, survey findings will be presented quarterly. Ms. Ziemak said a crime scene investigator had received a non-consensus result on a proficiency test. The CSI had reported three of six presumptive tests for blood as negative when they should have been positive. The quality division is ensuring the CSI is able to properly perform this test and is auditing 200 of his cases. The findings will be reported to the board. Ms. Ziemak said 23 analysts have testified this year. Three have not been monitored as required by accreditation. If there is not a future opportunity to monitor these analysts' testimony this year, the quality division will meet the accreditation requirement by reviewing the court transcripts. Ms. Ziemak said the transcript review project, a step HFSC takes that goes beyond accreditation requirements, revealed a seized drugs analyst could benefit from additional training to make their testimony more fluid. That training has been provided.

- T. Chairwoman Mitchell requested a motion to adjourn the meeting. Director Hilder made a motion to adjourn. Director Cohen second the motion. The meeting ADJOURNED at approximately 11:27 a.m.

By: Jordan Benton

Jordan Benton Secretary