

Houston Forensic Science Center, Inc.

VIRTUAL MEETING OF BOARD OF DIRECTORS

MINUTES

May 14, 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 May 14, 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](http://www.houstonforensicscience.org) on May 11, 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 May 14, 2021.
- D. Interim Board Secretary Ashley Henry called the roll. The following directors were present: Stacey Mitchell, Anna Vasquez, Philip Hilder, Janet Blancett, Ellen Cohen, Lois Moore, Vicki Huff, and Tracy Calabrese. Chairwoman Mitchell declared a quorum.

The following directors were absent: Mary Lentschke, Francisco Medina

- E. During the meeting, members experienced technical difficulties. At no point was a quorum lost.
- 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 stated members of the public would now be given an opportunity to address the board and noted the meeting agenda provided the public with an email address and phone number to sign up for public comment in advance. The chairwoman asked Interim Secretary Henry if any members of the public wished to address the board. Ms. 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 said she would leave the public comment period open for

a few minutes to give possible late attendees a chance to speak. She closed the public comment period at approximately 9:04 a.m.

- H. Chairwoman Mitchell asked if any changes needed to be made to the April 9, 2021 board meeting minutes. No directors offered changes. Director Blancett made a motion to approve the minutes. Director Cohen seconded the motion. The chairwoman called for a voice vote and the motion passed unanimously.
- I. Chairwoman Mitchell gave a brief reminder about the upcoming annual board obligations, including the appointment of corporate officers in June and the annual performance review for Dr. Peter Stout in July.
- J. Dr. Peter Stout, president and CEO, said requests increased 25% between May 2019 and April 2021, a trend he expects to continue. During that same time, HFSC has increased output by about 50%, he said. And, he added, the budget increased 6.25% during the same time period.

Director Medina joined the meeting at approximately 9:07 a.m.

Dr. Stout gave a staffing overview, stating HFSC has around 210 staff members including 6 open positions and 4 offers accepted. A new PIO/board secretary has verbally accepted the position with a tentative start date of June 1, 2021. In response to a question from Chairwoman Mitchell, Dr. Stout said there are about 9 crime scene investigators in various stages of training. While talking about recent certifications and outreach events, Dr. Stout said HFSC staff participated in more events in 2020 than in 2019. Dr. Stout said the Explorers Program is a partnership usually between the Scouts of America and law enforcement agencies. HFSC is the only forensic agency to participate in the program, which is geared toward high school students. He said participation has increased since the start of the program in 2018 and although the program was cancelled in 2020-2021 because of the pandemic, the program has more applicants now than ever before. Responding to a question from Director Blancett about communication with parents, Dr. Stout said there have been virtual sessions with parents, and he is thinking of additional ways to reach out.

Dr. Stout described a timeline of the toxicology section from 2014 to present. In the timeline, he discussed the transition from HPD to HFSC, a quality event with the Texas Forensic Science Commission, the section's evidence acceptance and rejection policy and challenges with instrumentation and building infrastructure. In 2020-2021, the toxicology section went from zero to four LC-QQQ, he said. The toxicology drug backlog will continue to increase until HFSC's accrediting body, ANAB, approves the section's new drug confirmation methods. He said this will occur in July. In response to a question from Chairwoman Mitchell, Dr. Stout said HFSC redesigned DWI kits in 2016-2017. HFSC purchases and manages the kits for HPD, leading to fewer rejections and better quality of evidence submitted, he said.

Dr. Stout said law enforcement has shifted dramatically from breath testing to blood draws in recent years, in part because blood draws are more efficient. In response to a question from Director Cohen, Dr. Stout said evidence technicians draw almost all blood samples at the Joint Processing Center (JPC). There has been an 80% increase in requests in recent years, he noted, and toxicology has kept up with demand because of increased staffing and instrumentation. He said all samples are analyzed for alcohol. Results below a 0.1 blood alcohol concentration move on for drug testing. Samples that test above a 0.1 for alcohol are generally not tested for drugs. About 30% of requests are tested for drugs. There is a slow trend toward more drugged driving instead of drunk driving. Dr. Stout said HPD continues to increase impaired driving enforcement. HPD has received a grant to train more Drug Recognition Experts to add to the 11 currently in place. HPD also plans to train 500 officers in advanced drug recognition.

- K. Dr. Stout said homicide and VEB calls continue to increase for the crime scene unit (CSU.) He noted the homicide rate is increasing nationwide. CSU trying new forms of communication following a survey to gauge tools preferred by staff. He said a CSU newsletter had lost its efficacy. Showing some survey results, Dr. Stout said staff prefer communication via email, section-wide meetings and video messages. Acting CSU director, Ms. Carina Haynes, will now deliver a video message every second and fourth Tuesday of the month. Dr. Stout also said section-wide meetings will occur once per quarter. Emails will be sent for reminders and updates. He said CSU also introduced Slick Scotty, a small character cut-out hidden around the facility. Slick Scotty is hidden in areas where staff should be performing regular office duties and is designed to make the tasks more fun. The first CSI to find 15 Slick Scotty's will receive a gift card, he said.
- L. Dr. Amy Castillo, vice president and COO, gave an update on toxicology and biology backlogs. She said the backlog increased for the month of April, mainly for toxicology. Toxicology has a three-year plan that includes eliminating the backlog and creating a sustainable workflow, which includes in-house drug confirmations and cross-training. Dr. Castillo said all staff are trained in alcohol analysis, allowing them to make significant progress chipping away at the blood alcohol backlog, which should be cleared by June. The drug testing backlog decreased when HFSC used federal grant dollars for outsourcing. However, those funds have been exhausted and that backlog is increasing. Once the blood alcohol backlog is cleared, the section will have greater capacity to cross-train analysts to do drug testing.

Dr. Castillo said the forensic biology/DNA section has a backlog of 1,332 cases, mainly consisting of non-sexual assault kit evidence. She said the section had been able to meet all its backlog elimination goals, until April. A previous timeline had the backlog cleared by the end of 2021. That has been updated to February 2022. Dr. Castillo said there are currently 587 backlogged SAKs, down from 1,324 at the beginning of the pandemic. The section will continue to outsource SAKs and complete non-SAK cases in-house.

Dr. Castillo said the section will continue to outsource incoming SAKs and the new contract the board is being asked to approve will allow HFSC to use federal grant dollars to fund the effort. The section had used 2019 grant dollars until now and will now shift to

a 2020 grant. HFSC has selected one laboratory, Signature Science, for outsourcing. The lab is in Austin, Texas, and has a 60-day turnaround time.

- M. Chairwoman Mitchell introduced the next agenda item: a contract for DNA services between HFSC and Signature Science to be funded by the FY 2020- BJA DNA Capacity Enhancement and Backlog Reduction federal grant. The contract is not to exceed \$801,438.00. Dr. Castillo said HFSC used two vendors in 2019 grant but prefers to use one this year. She said the turnaround time works and will help HFSC meet its backlog elimination goal. In a response to a question from Chairwoman Mitchell, Dr. Castillo said HFSC pays for one day of testimony. If testimony extends beyond one day, the district attorney's office covers the remaining costs.
- N. Chairwoman Mitchell reminded the board about grant funded contracts and the consensus reached by the Board at its March meeting. She reminded the board they had agreed to use HFSC's procurement policy for budget adjustments within grant-funded contracts, such as this one, allowing herself or Vice Chair Lentschke to approve such adjustments. Any approved changes will be documented and presented to the board at a subsequent meeting. Director Cohen made a motion to approve the contract. Director Hilder seconded the motion. Interim Secretary Henry called the roll, and the following directors were in favor: Stacey Mitchell, Anna Vasquez, Philip Hilder, Francisco Medina, Janet Blancett, Ellen Cohen, Lois Moore, and Vicki Huff. With none opposed, the motion passed unanimously.
- O. Ms. Jackeline Moral, quality specialist, introduced herself to the board and updated directors on the toxicology scope expansion. She said the complex, years-long process is focused on creating the necessary foundation to ensure consistent and reliable results. The toxicology section accreditation scope does not currently include use of the LC-QQQ instrument, which is why this expansion is necessary. Ms. Moral said the process has four phases: development, validation, framework and quality review.

Ms. Moral said during development the section creates a validation for that subsequent phase, which is the most complex and the lengthiest. This is the trial-and-error phase and is used to determine methodologies and understand testing limitations, she said. Following this is the framework phrase when the group finalizes standard operating procedures, worksheets, a competency test and the training program. The final phase is the quality review phase when the quality division reviews all documents to ensure it aligns with accreditation requirements.

Ms. Moral said ANAB, HFSC's accrediting body, will conduct a desk surveillance review and consider the scope expansion the week of July 12. Initially, the audit would have reviewed HFSC's compliance with 14 accreditation clauses. However, due to the scope expansion, 85 clauses are included in the assessment.

- P. Mr. James Miller, seized drugs manager, introduced himself to the board and presented an update. He said the section uses a variety of chemical and instrumental methods to analyze evidence for the presence of controlled substances and other drugs. He clarified the seized drugs section tests bulk drugs before use while the toxicology section analyzes

body fluids to identify drugs after use. The seized drugs section completed over 5,000 requests in 2020, resulting in more than 10,000 identifications. Although requests decreased during the pandemic, the number of identifications made resulted in the same amount of work. The top three drugs over the past three years are methamphetamine, cocaine and marijuana. The section has seen an increase in meth found in ecstasy tablets and a decrease in marijuana due to diversion programs and changing statutes.

The section also encounters new substances that are difficult to identify and faces challenges with fentanyl, counterfeit pharmaceuticals and variability. The section accumulated a backlog during the pandemic and although staff are back on-site full time, they are not yet at full capacity, he said. Mr. Miller described a triage approach to prioritize analysis with in-custody and investigative requests at the top of the list.

Mr. Miller said there are 556 backlogged cases. Of those, 191 are for marijuana testing. The section does not have capacity to keep up with marijuana testing due to the new, more complex analysis required to identify the drug. The backlog may increase through November 2021 due to the staffing shortage but should be cleared by summer 2022. Once the backlog is eliminated, the section may be able to modify resources to focus on marijuana requests, he said.

- Q. Chairwoman Mitchell requested a motion to adjourn the meeting. Director Moore made a motion to adjourn. Director Blancett seconded the motion. The meeting ADJOURNED at approximately 11:06 am.

By: Ashley Henry

Ashley Henry, Interim Secretary