

Houston Forensic Science Center, Inc.

MEETING OF BOARD OF DIRECTORS

MINUTES

October 11, 2019

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 11, 2019 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, place and purposes of the meeting more than three days before the date of the meeting.
- B. In accordance with Chapter 551, Texas Government Code, made applicable to the Corporation by Section 431.004, Texas Transportation Code, a notice of the meeting was duly posted on October 8, 2019, in the same manner and location as required by law of the City of Houston, Texas (the "City".)
- C. The meeting was called to order by Dr. Stacey Mitchell, board chairwoman, at approximately 8:32 a.m. on Friday October 11, 2019 in the Council Annex Chambers, 900 Bagby St. (Public Level), Houston, Texas 77002.
- D. Ms. Jordan Benton called the roll. The following directors were present during roll call: Dr. Stacey Mitchell, Philip Hilder, Anna Vasquez, Francisco Medina, Janet Blancett, \ Mary Lentschke and Ms. Tracy Calabrese

Dr. McPherson arrived at the meeting at approximately 9 a.m. after the closed session ended.

Chairwoman Mitchell declared a quorum was present
- E. In accordance with Section 551.071(1) of the Texas Government Code, consultation with attorney, the board entered into executive session at approximately 8:32 a.m. Dr. Peter Stout, CEO and president, and Ms. Akilah Mance, HFSC general counsel, were present with the board.
- F. The board reconvened into open session at approximately 9 a.m. Chairwoman Mitchell said the closed session ended at approximately 8:57 a.m. and declared a quorum was still present. She said no action needed to be taken from the executive session.
- G. Chairwoman Mitchell asked if any changes were needed for the August 9, 2019 board meeting minutes. Mr. Hilder made a motion to approve the minutes. Dr. McPherson seconded the motion. The motion passed unanimously.

- H. Chairwoman Mitchell asked if members of the public wished to address the board. No one addressed the board.
- I. Chairwoman Mitchell presented a chair's report. Dr. Mitchell said Vice Chair Sandra Guerra Thompson had resigned from the board. She thanked Ms. Thompson for her years of support and service to HFSC. Chairwoman Mitchell said she attended a roundtable discussion at HFSC with Sen. John Cornyn, Mayor Sylvester Turner, Texas Rep. Gina Calanni, Director Lentschke and two sexual assault survivors and an advocate about the need to immediately reauthorize the Debbie Smith Act, the primary grant funding source for crime laboratories, including HFSC. Chairwoman Mitchell also shared that she presented about healthcare's response to evidence management at the National Institute of Standards and Technology's (NIST) evidence management conference. She said Dr. Stout also presented at the conference. She reminded the board that Mayor Turner will join HFSC for the grand opening of the new lab on October 22. Dr. Mitchell also reminded the board about HFSC's holiday party on December 14, which will be held at 500 Jefferson. She thanked John Quinlan, president of Jefferson Smith, LLC, for donating funds for the party and encouraged other board members to do the same since HFSC does not use tax dollars to pay for the celebration.
- J. Dr. Stout gave the president's report. Dr. Stout reviewed HFSC's overall turnaround time and requests for September 2019. He said the toxicology section is struggling to keep up with requests due to a significant increase in enforcement of drunk and drugged driving in Houston. Dr. Stout reviewed certifications earned by staff and shared recent outreach events, including HFSC's evidence handling symposium and an interview he did on Fox 26's morning show where he discussed the dangers associated with CBD products. Dr. Stout said HFSC will have three disclosures at the next Texas Forensic Science Commission meeting: a disclosure from the toxicology section regarding a typo that changed the blood alcohol content, a disclosure on an administrative error in reports from the National Integrated Ballistics Information Network (NIBIN) and a disclosure to HFSC's accrediting body regarding two proficiency tests from the seized drugs section. He said HFSC's Quality Division Director Erika Ziemak would provide additional details in her report.
- K. Dr. Amy Castillo, vice president and chief operations officer, presented an operations report. Dr. Castillo provided an overview of turnaround times and backlogs. Dr. Castillo said the lab-wide move and large backlogs in the latent print and toxicology sections make up the majority of HFSC's current backlog. She said the biology section's backlog has also increased as it continues to train analysts to do probabilistic genotyping, which will change how DNA mixtures are analyzed and how the section reports results. Dr. Castillo said the biology section will outsource sexual assault cases when the lab is shutdown during the move. Dr. Castillo said the biology section should be caught up on non-sexual assault casework by January 2020. She said the toxicology section has increased its output but is unable to catch up and decrease the backlog because incoming requests are rising too quickly. Dr. Castillo said the section exceeded its monthly goal and completed 566 blood alcohol requests in September. However, it received 600 blood alcohol requests, a significant increase from the 505 requests received in August. Dr. Castillo noted in August and September 2018 the section received only 368 requests each month in each month. Dr. Castillo stressed the consistent increase in requests means the section needs additional resources to keep up. Dr. Stout added that the Houston Chronicle shared a story that demonstrated how Houston has the biggest rate of drugged and drunk driving. He added that two new leased instruments will arrive in October, but the

toxicology section will likely need a third instrument to keep up with the demand. Dr. Castillo reviewed the new dashboard section pages, including a new graphic showing the breakdown of all pending cases for each section and information on how long it takes for a case to travel between “assigned” and “completed.”

- L. Mr. David Leach, treasurer and CFO, said HFSC is three months into the new fiscal year’s budget and expenses are tracking along as expected. Mr. Leach reviewed the budget dollar breakdown through graphs and explained that \$250,000 worth of grant expenses will be given back to HFSC from the federal government. Mr. Leach said the biology section received three grants funded by the Debbie Smith Act and Congress’ failure to reauthorize the act will have a negative impact on the lab. He said an external audit of HFSC’s financials confirmed the financial statements are accurate.
- M. Mr. Jerry Pena, director of the crime scene unit (CSU) and digital multimedia division, said CSU is working to fill vacant positions. He highlighted that the multimedia lab was working on skimmer cases with the Houston Police Department (HPD.) A skimmer is a device that thieves use to steal credit card and PIN number information. Mr. Pena said the section completed 17 skimmer cases since June 2019 and is spending time studying the devices to help relay information back to law enforcement that will help catch perpetrators and assist victims.
- N. Mr. Charles Evans, director of business development, updated the board about the ongoing lab construction and facility move to 500 Jefferson. Mr. Evans said the supply room, biology and latent print processing lab moves were underway. He said the 18th floor lab is nearing completion, with only final inspections left and minor construction, air and electrical items. Mr. Evans said contractors had retouched the epoxy lab floors and installed security cameras. Mr. Evans said all systems are being tested throughout the process. Mr. Evans said the firearm section’s shooting tank had been placed in its final location and that the armored door, bullet-resistant wall panels and noise reduction paneling between CSU and firearms had been installed. Mr. Evans said the firearms, seized drugs and toxicology sections will move in November. HFSC will hand over to HPD the remaining space in 1200 Travis the second half of November. He said move costs are on track, with \$780,000 spent of the \$1 million budget.
- O. Ms. Erika Ziemak, quality division director, updated the board on the September blind quality controls, audits, disclosures, corrective actions, proficiency tests, transcript reviews and testimony data. Ms. Ziemak said a quality specialist will present on HFSC’s blind quality program at the Society of Forensic Toxicologist’s (SOFT) conference in October. Ms. Ziemak said the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) denied HPD’s request for written approval to allow HFSC to submit blind tests through NIBIN. As a result, HFSC is unable to upload blind samples into NIBIN to better mirror the normal workflow. The quality division will still work find ways to submit blind tests to the analysts in the firearms section. Ms. Ziemak said HFSC had disclosed to TFSC about a toxicology nonconformance that involved a typo in a 2015 result where an analyst reported a blood alcohol concentration as below the legal limit in Texas when the concentration was in fact above the legal limit. Ms. Ziemak said the original report has been amended and that HFSC had notified the Harris County District Attorney’s (HCDAO) office and the defense attorney associated with that case. The quality division also audited 320 out of 1,967 toxicology blood alcohol cases and found no additional similar typographical errors. Ms. Ziemak said the quality division had completed an investigation into two proficiency tests done in the seized drugs section. The analysts had