



# Houston Forensic Science Center, Inc.

Board of Directors

Public Meeting

~ Minutes ~

Friday, January 14, 2022

[www.houstonforensicscience.org](http://www.houstonforensicscience.org)

1. **CALL TO ORDER:**

At 9 a.m., Board Chairwoman Stacey Mitchell 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, January 14, 2022, 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 January 11.

2. **ROLL CALL:**

The following board members were present in-person:

Chairwoman Stacey Mitchell
Anna Vasquez
Philip Hilder
Francisco Medina
Lois Moore
Vicki Huff
Tracy Calabrese

The following board member was absent:

Vice Chairwoman Mary Lentschke
Philip Hilder
Vanessa Goodwin

The following board member arrived late:

Ellen Cohen
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Chairwoman Mitchell declared a quorum was present noting that all members were physically present in-person.

3. **PUBLIC COMMENT:**

Chairwoman Mitchell gave members of the public an opportunity to address the board. Paul Fortenberry, Harris County District Attorney’s Office (HCDAO) Bureau Chief of the trial bureau addressed the board regarding the judgement and sentence matter. First, he expressed the vital need to have analysts testify during punishment hearings at the courthouse due to the tremendous spike in violent crime throughout the county.

There are two phases in every trial the guilt/innocence phase and the punishment phase. In the guilt/innocence phase, the jury will determine if that person has committed a crime.

The punishment phase (if necessary) is where the jury or judge will assess punishment. At this stage, prosecutors utilize comparisons from latent print examiners to tie the defendant to any prior criminal history and enhance the sentencing range. The HCADO can use certified judgements from prior criminal convictions, to prove these previous convictions belong to the defendant sitting in the courtroom. Additionally, certified judgments include the defendant's fingerprints which are a common way of establishing that link.

Mr. Fortenberry stated prosecutors cannot meet their burden of proof unless they have experts to testify about these judgments, those experts are crucial in trials. For example, a defendant convicted of murder who has no previous criminal history is eligible for a much lower sentencing minimum than a defendant with previous felony convictions. He again expressed the need to have expert testimony in those court hearings and asked for HFSC's assistance on that front.

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

Following a motion by Director Lois Moore and seconded by Director Francisco Medina, the board unanimously approved the Jan. 14, 2022 meeting minutes.

5. **CHAIRWOMAN MITCHELL'S REPORT:**

The chairwoman noted that HFSC closed out the year with a holiday party for the staff and that it was a big success. She thanked all the board members that made a monetary donation, attended the event or sent staff their well wishes.

Next, she reminded members of a resolution (2021-001) they approved in December to change the schedule of regular board meetings from monthly to every other month. Chairwoman Mitchell also asked all members to attend the next meeting in March as the CFO will present budget information that will require a crucial vote.

She shared that for the first time in HFSC's history all board members' pictures are now on the website, [www.houstonforensicscience.org](http://www.houstonforensicscience.org).

6. **CONSIDER APPROVAL OF BOARD RESOLUTION 2022-001 REGARDING AUTHORITY TO WITHDRAW FUNDS OF THE CORPORATION:**

The chairwoman first reminded the board that they unanimously voted to approve Dr. Peter Stout's new employment agreement in December. One of the terms of the agreement is that his purchasing authority would increase from \$200,000 to \$300,000. General counsel Akilah Mance prepared Resolution 2022-001 for the board to consider which sets the new authorization amount for Dr. Stout. The CFO, COO and Dr. Stout will sign off on any high dollar expenditures. The CFO ensures the amount is within HFSC's approved budget as a practical matter. And when appropriate, the COO approves expenses submitted through her reporting structure before going to Dr. Stout for final approval. Chairwoman Mitchell will receive notification after any purchase over \$200,000 has occurred. The chairwoman then opened the floor for further discussion or questions. No one proposed any discussion or questions.

Director Moore made a motion to approve board resolution 2022-001 regarding authority to withdraw funds of the corporation. Director Ellen Cohen seconded the motion, and the board unanimously approved the motion.

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

Dr. Stout first gave a detailed overview of the pandemic timeline for HFSC, providing a breakdown of how things started around spring/summer 2020 until the present.

He reported that HFSC requested about \$3.7 million from the city for additional American Rescue Plan Act (ARPA) funding also known as COVID recovery dollars, for fiscal year (FY) 2022. He talked through the idea of using COVID funds to buyout leases for \$1.4 million in FY22 on three LC-QQQ instruments in toxicology and a rapid DNA instrument in FBIO. The buyout will free up about \$300,000 in the budget over the next three to five years to redirect toward personnel costs.

Dr. Stout later explained the impacts of COVID and the lingering effects on the toxicology, CSU and firearm disciplines, highlighting that the pandemic significantly delayed getting the LC-QQQ methods added to its scope so their results could be reported. Additionally, he mentioned the complexity in toxicology cases – particularly highlighting seeing an increase in drugged and multiple drugged cases. He proposed \$700,000 to outsource toxicology cases to help the group get from behind and to ultimately eliminate the backlog.

He touched on challenges with processing vehicles at the Vehicle Evidence Building due to the continued rise in violent crime. To date, there has been a 71 percent increase in average vehicles processed per month. Often it takes CSIs about five hours or longer to process a vehicle. Dr. Stout suggested placing a pole barn over the 50X200 square foot lot for an estimated cost of \$400,000 to protect the evidence from degrading and to improve processing for staff.

Dr. Stout briefly discussed significant technical criticism in firearms that could impact evidence being excluded. One solution is to use ARPA funding to implement a scope that produces microscopic 3D images of fired evidence for efficient and quality data. Since CSU has been disproportionately affected by COVID, Dr. Stout requested an expansion in CSU which is expected to cost \$80,000 for FY22, \$1.8 million in FY23 and \$1.1 million in FY24 and FY25. Some of the expansion includes a collaboration with Lone Star College to run an academy for 12 new CSIs and adding the first satellite facility.

Lastly, he also explained some of the big picture budget items for FY23 including the need for more staff in various technical disciplines and an additional attorney, support staff in Client Services & Case Management (CS/CM) and another person in Research & Development. If ARPA funding is taken off the table, then the increase to the budget will be roughly \$3.7 million over FY22.

7a. **CONSIDER EXPANDING THE LATENT PRINT SECTION'S FORENSIC SERVICE:**

Dr. Stout first addressed the various complexities which led to the current challenges in judgment and sentencing records. He reiterated the information presented by Mr. Fortenberry during public comment regarding proving prior convictions at trial and noted prior criminal history must be proven beyond a reasonable doubt. Historically, convictions in Texas courts are proven by comparing the offender's prints on past sentencing records known as jail cards and pen packs. He mentioned one challenge examiners often face is receiving jail cards and pen packs where the fingerprints are not of much value. Director Vicki Huff asked if DNA profiles could be used instead of latent prints. Dr. Stout stated that would be far more conclusive. However, some of the prior records are decades old with no DNA profile associated with them.

Next, Dr. Stout gave an overview of the judgement & sentencing (J&S) matter, noting that historically the Harris County Sheriff's Office performed this work and that HFSC has never provided this service. The latent print examiners are essentially issued with a subpoena to appear in court at sentencing, to roll prints and then compare those with the pen pack. The examiner would take the stand and say whether this is the individual or not. He stated in the wider scope of

latent prints examination, that this is not an appropriate process. This issue arose for HFSC because HCSO recently decided to push J&S work to the law enforcement agency that investigated the case on trial. HFSC works for the city which makes up about three-quarters of the cases filed in Harris County courts.

In response to the suggestions offered by various board members, General counsel Akilah Mance stated that the corporation could brainstorm ideas to link previous convictions more effectively to individuals during trial, but the issues are under the purview of the prosecuting agency. HFSC does not have control over what the judges decide about admissibility, nor does it have control over defense attorney objections and potential challenges on appeal. Director Moore said that if someone asks you to provide a service then the resources to provide those services should be included, otherwise, it should not be done. She added that the request for services requires HFSC employees to do more than they already are, which leads to burnout.

Dr. Stout then touched on the challenges and impacts to HFSC, highlighting that the corporation is accredited by ANSI National Accreditation Board (ANAB) through ISO 17025 standards. The guidelines have multiple points where an exam-on-the-stand is incompatible since there is no review, documentation, or report and the results are verbally released. He also mentioned that the section's backlog reduction was reduced to close to 70 percent, as examiners were taken off casework and time was wasted since the majority of cases worked will not go to sentencing.

Chairwoman Mitchell yielded the floor to Mr. Fortenberry who reiterated the importance of appropriately dealing with violent offenders and the crucial role experts have in punishment hearings.

Lastly, Dr. Stout explained his concerns in that it took almost a decade for HFSC to build public trust in the lab's results. He added that J&S testimony is a clearly constructed circumstance of suspect-driven conclusion bias, which is the exact framework HFSC should avoid at all costs. Director Cohen asked for solutions and Dr. Stout suggested we find a way to help HCSO with the resources they need to do the work. They are in the best position and in return, he offered that HFSC will complete their pending casework. At this point, HCSO has declined that offer. Director Anna Vasquez added that in years prior, HPD released bad test results which led to several wrongful convictions. She stated her reason for being a part of the board is because HFSC implemented higher standards and she does not want HFSC to revert from them.

Chairwoman Mitchell reiterated that HFSC was created as an independent organization, free from the actual or perceived influence of law enforcement, prosecutors and elected officials. And although the corporation respects its partners, it still must do what is best for the staff and uphold the high standards set for HFSC.

Director Huff made a motion to decline the request to expand HFSC's latent print services to fingerprint comparison on J&Ss. Director Vasquez seconded the motion, and the board unanimously approved the motion.

8. **VICE PRESIDENT AND COO DR. AMY CASTILLO'S REPORT:**

Dr. Castillo announced that HFSC revamped its internal dashboard which is used to manage metrics for the technical sections.

She pointed out several accomplishments throughout the lab in 2021, noting that the CS/CM

group maintained a 3.6-day average turnaround time on records released. The toxicology section brought its LC-QQQ methods online and the seized drugs section non-marijuana backlog was cleared almost a year ahead of schedule. However, marijuana continues to be a challenge as 507 cases are backlogged.

Next, Dr. Castillo explained the plans and goals for each technical section, emphasizing the need to build capacity in all areas to keep up with the increased caseloads.

The multimedia section lost four of its staff at the end of 2021 due to competition with industry salaries that the corporation was not able to negotiate. She shared that four multimedia analysts were hired and will be completely trained by August.

Dr. Castillo mentioned that the firearms group and research & development collaborated and received a research grant that will fund a new 3D microscope for firearms.

The next phase for the latent prints section's lean six sigma project will focus on latent print processing, a project to help improve the processes and to address the long-standing backlog.

9. **CONSIDER AUTHORIZING AN AGREEMENT WITH SIGNATURE SCIENCE, LLL FOR DNA OUTSOURCING SERVICES:**

Dr. Castillo began by sharing that HFSC uses its federal grant dollars for the DNA backlog project to outsource sexual assault kits. She asked the board to approve another contract with Signature Science, LLC due to HFSC utilizing all of the funds from the FY2020 grant contract. She mentioned that the federal government would release the FY21 funds soon, however, HFSC needs advanced approval to execute the agreement as soon as those funds are released. There are no changes to the current contract.

Director Cohen made a motion to delegate authority to Dr. Stout to negotiate and enter into an agreement for DNA outsourcing services with Signature Science, LLC for a total budget of \$451,365. Director Moore seconded the motion, and the board unanimously approved the motion.

10. **QUALITY DIRECTOR ERIKA ZIEMAK'S REPORT:**

Ms. Ziemak reported that the quality division met its December submission targets for blind quality control samples and verifications, however, the latent prints section is no longer included in that data. The group will need to redesign and rebuild the blind quality program for the latent prints section.

Next, she announced that the Journal of Forensic Sciences accepted the group's firearms' blind quality controls manuscript submission for publication. She mentioned HFSC started a pilot program to create toxicology blind samples in-house, noting that the first round of blood alcohol results were consistent with the theoretical concentration. A new quality specialist joined the division in December. She was formerly a quality director from a laboratory in Alaska.

Ms. Ziemak mentioned that we received 30 survey responses in 2021 and that the majority were either very satisfied or satisfied. Next, she discussed the safety and security audit that occurred from November 16 to November 30. They found one safety nonconformance involving a procedure for affixing gas cylinder regulators. The safety manual will be revised to reflect the current procedure based on staff feedback.

She then explained three disclosures HFSC will provide to the Texas Forensic Science Commission regarding the forensic biology/DNA and firearms sections. One disclosure centered

around a former National Integrated Ballistic Information Network technician who failed to properly label test fire bullets and cartridge cases. She said that the investigation is still ongoing and so far, there are two requests prioritized for rework and 43 requests will require additional test fires to be created if those firearms are available. The commission will vote on those disclosures at its next meeting.

Ms. Ziemak said 49 analysts had testified in 2021, and four transcripts were evaluated.

11. **TREASURER AND CFO DAVID LEACH'S REPORT:**

Mr. Leach gave an overall look into HFSC's spending, highlighting that it's midway through the year and half of the money is already gone. Personnel costs account for 74 percent which is about five percent of its total business spending, 21 percent in services, and four percent in supplies. He also added that most supply costs are for forensic biology/DNA.

12. **CRIME SCENE UNIT DIRECTOR CARINA HAYNES' REPORT:**

Ms. Haynes gave a recap for 2021, averaging about 4.3 calls a day. The group spent 10,000 hours on scene, 470 of them calls for homicide, 759 vehicle examinations, 47 officers involved shootings and collected 24,000 items of evidence. She reported a slight decrease in calls for aggravated assaults, aggravated robbery and child deaths.

Ms. Haynes made several big changes in 2021 to represent a significant step to transform the unit, noting a newly implemented schedule change to better meet the city's needs and enhance the CSIs' off time. In addition, she focused on increasing communication throughout the unit. She sent a bi-weekly video message out to the group to discuss changes and updates and created a more relaxed atmosphere in the office.

Next, she touched on some plans for 2022 including training for supervisors, hiring more staff, having the CSIs utilize the Automated Fingerprint Identification System and Combined DNA Index System hits dashboard. This system shows them how their work in the field is positively impacting a case in real-time.

13. **ADJOURNMENT:**

Chairwoman Mitchell requested a motion to adjourn the meeting. Director Moore made a motion to adjourn. Director Vasquez seconded the motion. The meeting adjourned at 11:41 a.m.

The undersigned secretary of the board hereby certifies the following are true and correct minutes of the Jan. 14, 2022 public meeting of the board.

By: *Amanda DeBerry* Amanda DeBerry, Secretary