

Houston Forensic Science Center, Inc.

VIRTUAL MEETING OF BOARD OF DIRECTORS

MINUTES

May 8, 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 May 8, 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 on May 5, 2020 along with a free-of-charge videoconference link 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 May 8, 2020.
- D. Board Secretary Jordan Benton called the roll and indicated each director’s initials that would be visible in their Microsoft Teams icon during the meeting. The following directors were present: **Stacey Mitchell** (the chairwoman’s photo was visible in her icon during the meeting,) **Philip Hilder** (“H,”) **Anna Vasquez** (“AV,”) **Francisco Medina** (“FM,”) **Janet Blancett** (“JB,”) **Robert “Bob” H. McPherson** (“RM,”) **Lois Moore** (“LM,”) **Vicki Huff** (“VH,”) **Mary Lentschke** (“M”) and **Tracy Calabrese** (“TC”)

No members were absent. Dr. McPherson left the meeting at approximately 10:56 a.m.

Chairwoman Mitchell declared a quorum.

- E. Chairwoman Mitchell announced that the board agenda provided notice of how to join the virtual meeting and that the public could join for free. The agenda included an email address and phone number for members of the public to use if they wished to address the board. The chairwoman asked Board Secretary Benton if any members of the public wished to address the board. Ms. Benton said no one had requested to address the board. Chairwoman Mitchell said she would extend the public comment portion of the meeting so citizens would have time to join the meeting and comment.
- F. Chairwoman Mitchell’s video dropped from the meeting at approximately 9:09 a.m. Ms. Akilah Mance, HFSC’s general counsel, told the board the meeting would resume once Chairwoman Mitchell rejoined. Chairwoman Mitchell called back into the meeting at

approximately 9:10 a.m.

- G. Chairwoman Mitchell asked if any changes were needed for the March 13, 2020 board meeting minutes. No directors had changes. Director McPherson made a motion to approve the minutes. Director Hilder seconded the motion. Secretary Benton called the roll. The following directors were in favor: Stacey Mitchell, Mary Lentschke, Anna Vasquez, Philip Hilder, Francisco Medina, Janet Blancett, Robert McPherson, Lois Moore and Vicki Huff. With none opposed, the motion passed unanimously.
- H. Chairwoman Mitchell presented a chair's report. She welcomed Director Moore to her first board meeting. Chairwoman Mitchell told the board that in this virtual environment, HFSC corporate officers and staff would share their screens to show their presentations during the meeting and pause for questions at designated times. She asked members to be mindful of possible audio delays and to be mindful of speaking over each other.
- I. Chairwoman Mitchell asked at about 9:16 a.m. whether any members of the public had joined the meeting. No one addressed the board. She said she would check for public comment one more time after President and CEO Dr. Peter Stout's presentation.
- J. Dr. Stout gave the president's report. Dr. Stout reviewed HFSC's overall turnaround time and requests for April 2020. Dr. Stout said the latent print and forensic biology/DNA sections are working through backlogged cases, causing the overall turnaround time to go up since HFSC calculates its turnaround time from the moment a request is received to the time it is completed. Therefore, Dr. Stout explained, as older cases are completed, the turnaround time goes up. This is good news, he said, because it means the backlog is decreasing. Dr. Stout said the latent print section has so far improved productivity since transitioning to working from home due to the pandemic. Dr. Stout gave a staffing update. He said most positions are on hold due to the pandemic. Dr. Stout said Ms. Cheron Maxwell, HFSC's forensic biology training coordinator, will become the acting DNA technical leader to replace Ms. Robin Guidry, HFSC's technical leader, who has resigned. Dr. Stout said CSU Supervisor Mike Fulton earned his certification as a senior crime scene analyst through the International Association for Identification. Dr. Stout said Mr. Clay Davis, forensic biology/DNA analyst, gave a virtual lecture to over 90 Houston Independent School District high school students. Dr. Stout said he will give a virtual presentation about blind quality controls to a conference in China that is co-sponsored by the China Inspection and Testing Society and the China National Accreditation Service for Conformity Assessment. Dr. Stout said HFSC is making long-term plans to deal with the pandemic for at least a year or more. He said a broad group of staff from across HFSC disciplines are using what appears to be a respite from lockdowns to prepare for a potential second outbreak in the fall and another lockdown. The group is looking at supply needs, loosening of restrictions and how to keep staff safe, dealing with off-and-on stay-at-home orders and identifying IT resources that will increase flexibility. Dr. Stout said HFSC has about a 4-month supply of gloves and enough masks to last until July, the same month the next shipment is expected to arrive. Dr. Stout said a shortage of pipette tips used in the biology/DNA and toxicology sections could cause a potential shutdown in the future, though the lab has about a four-month supply of all pipette tips, and a year's worth supply on-hand for other pipette tips used in the lab. There are a limited number of manufacturers for these supplies, and some are located in Italy and Switzerland. Dr. Stout said the lab has experienced about a two-month interruption in the supply chain. He said another shutdown could lead to

longer supply chain interruptions and HFSC will plan to have six months of essential supplies in house. Dr. Stout added that other supplies that could become limited are evidence collection kits, which contain items that are used in clinical testing for COVID-19. Dr. Stout said that Becton Dickinson, one of the only companies that manufactures grey top tubes used in alcohol evidence kits, could repurpose production lines to create materials for COVID-19 testing. He said the lab would manage any impacts if this occurred. There is also a shortage of ammunition. Director Blancett asked Dr. Stout if staff were taking additional precautions when handling evidence due to the pandemic. Dr. Stout said staff have always received bloodborne pathogen training and always use precautions when handling evidence. The crime scene unit is taking additional precautions at scenes, including double gloving, putting on PPE prior to entering a scene and wearing both eye protection and a mask. Dr. Stout said a group of HFSC staff sewed masks with insertable filters to help address shortages and so everyone at the company could have at least two and also to provide an alternative to the DNA section if the surgical masks typically used in that lab become impossible to purchase. He said internally, the lab has new protocols in place to protect staff from potential exposure to the virus, such as encouraging face masks be worn in common areas, encouraging staff to check their temperature before work and requiring visitors to wear face coverings and take their temperature prior to entering HFSC space. Dr. Stout said staff have been productive since working from home, and where possible HFSC has provided laptops or sent home desktops and distributed webcams and headsets and increased secure access to the network. Dr. Stout said the quality division implemented policy changes to allow records to be taken offsite and to track such movement. Data shared by Dr. Stout showed strong staff adoption of Microsoft Teams, the virtual platform HFSC has been using for chatting and meetings during the pandemic. Dr. Stout said the data shows staff productivity remains strong in the work from home environment. Dr. Stout then gave an update about expected renovations to the vehicle examination bay. He said before renovations begin, HFSC will enter into an Interlocal Agreement (ILA) with the City of Houston so HFSC can use construction companies vetted by the city. He said the Houston City Council should vote on the ILA by mid-June. Dr. Stout said building management at 500 Jefferson St. is still addressing venting issues with the firing range in the basement. Dr. Stout said he anticipates the issue to be resolved in the coming weeks with the installation of an exhaust fan.

- K. Dr. Stout asked the board to approve a purchase order from ThermoFisher Scientific for forensic biology/DNA supplies. He said the total purchase order amount of \$460,180, which excludes shipping fees, is for reagents used to quantify and copy DNA samples so they can be analyzed and interpreted. Dr. Stout said the forensic biology/DNA section validated the reagents from ThermoFisher, making the company a sole source vendor. Changing vendors would require a lengthy revalidation. Dr. Stout said the lab will save more than \$37,000 on the order. Dr. Stout requested authority from the board to enter into a \$460,180 agreement to purchase DNA supplies from ThermoFisher Scientific. Director Blancett made a motion to approve. Director Moore seconded the motion. Secretary Benton called the roll. The following directors were in favor: Stacey Mitchell, Mary Lentschke, Anna Vasquez, Philip Hilder, Francisco Medina, Janet Blancett, Robert McPherson, Lois Moore and Vicki Huff. With none opposed, the motion passed unanimously.
- L. Dr. Amy Castillo, vice president and COO, presented the operations report. Dr. Castillo gave an overview of turnaround times and backlogs for the sections. She said about 50 percent of staff are onsite at any given time to limit interaction and allow for social distancing. Dr.

Castillo said as the latent print section works through its backlog, the overall turnaround time will increase because they are completing older cases. When the latent print section is removed from the equation, the lab's overall turnaround time is 55 days. Dr. Castillo reviewed changes each section has made in response to the pandemic. She said the client services and case management division, the team that handles all evidence item transport and records requests, is back to working onsite fulltime with staff spread out to accommodate social distancing. Dr. Castillo said all technical sections are divided into two teams to limit interactions between people. She said the seized drugs section has staff working 50-hour work weeks when onsite and working 30-hour weeks when they are at home. She said the section's turnaround time has been impacted because it takes longer to assign cases, but requests have decreased allowing the group to keep up with incoming work. Dr. Castillo said that the toxicology section implemented a paperless review process for blood alcohol and toxicology requests. This process allows staff to write and review reports from home. Dr. Castillo said the staff completed almost 100 more cases in April 2020 compared to April 2019. The latent print section's examiners are working from home full time, with an onsite rotation to scan latent lift cards so evidence does not leave the lab. Dr. Castillo said for some examiners, working from home is more efficient and the section is completing more work at this time. Dr. Castillo said the firearms section's examiners are also rotating on and offsite, though the National Integrated Ballistics Information Network (NIBIN) team does come in daily. NIBIN continues to have a two-day turnaround time. Dr. Castillo said the digital and multimedia group had also been on a rotating schedule but is revisiting that decision because requests have increased. Dr. Castillo said analysts in the forensic biology/DNA section are focusing on reviewing reports completed by a private lab during HFSC's large training project. HFSC must review the reports before uploading eligible profiles into the DNA database, CODIS. The section decided to focus on reviewing these reports, about 1,000 in total, because it is the most immediate work that can be completed from home. The group completed 255 reviews in April leading to 443 CODIS hits. Dr. Castillo told the board HFSC had accumulated a backlog of sexual assault kits due to the lab shutdown during the facility move in late 2019, the inability to find a commercial lab that could immediately process kits during that shutdown and a failure to properly estimate the complexity and length of training on probabilistic genotyping. The section has a backlog of 549 SAKs. Of those, 76 SAKs are between 30-60 days old, 103 are 61- 90 days old, 78 are 91-120 days old and 292 are more than 121 days old. Dr. Castillo said the forensic biology section will analyze the oldest cases and send a commercial vendor between 400 to 500 kits in July. HFSC is doing the oldest cases because the vendor lab has a longer turnaround time. Cases sent to the private lab will be completed by March 2021. Dr. Castillo said there are a limited number of vendors available to complete forensic DNA work and those that exist have little capacity. Dr, Castillo said that while the DNA section had miscalculated how long it would take to train analysts to use the probabilistic genotyping software, several have now been authorized. The software allows for more mixture data to be interpreted. Part of the training complexity is ensuring the analysts can explain and testify to the work and the review of their training material, which is equivalent to a that of a high-level college class. Each training binder goes through three reviews, she explained, and sometimes an analyst has to complete additional work or redo an item before being authorized. Dr. Castillo said in the future HFSC will provide more consistent updates regarding training projects and the SAK backlog. Dr. Castillo said when probabilistic genotyping is fully online it will take analysts more time to complete each case since other labs already using the software have estimated there is a 60 percent to 80 percent increase of interpretable samples per case. Dr. Castillo said as training is completed, three analysts will focus on SAKs and four will work on reviewing reports returned

from the private lab.

- M. Director Moore left the meeting at approximately 10:16 a.m. She returned at approximately 10:18 a.m.
- N. Chairwoman Mitchell asked Secretary Benton if any members of the public had joined the meeting or asked to comment. Ms. Benton said no members of the public had requested to speak. Chairwoman Mitchell closed the public comment period at approximately 10:47 a.m. Chairwoman Mitchell confirmed a quorum was still present.
- O. Mr. David Leach, CFO and treasurer, presented the treasurer's report. He said HFSC was 10 months into the current fiscal year's budget and had received all funding from the City of Houston. Mr. Leach said HFSC will receive about \$200,000 to \$300,000 from grant funding. Mr. Leach said HFSC had leased two new instruments, LC-QQQ, for the toxicology section. Mr. Leach said spending is on track, and that the lab has about \$4.7 million left for the year. Mr. Leach said the City has not said the pandemic would impact HFSC's FY21 budget, recently approved by the board.
- P. Chairwoman Mitchell said Director McPherson left the meeting. He exited at approximately 10:56 a.m. She confirmed a quorum was still present.
- Q. Mr. Jerry Pena, director of the crime scene unit (CSU) and digital multimedia division, said crime scene investigators are using more and different personal protective equipment at scenes to help limit exposure to COVID-19. Mr. Pena said CSU is now using double gloves, N95 masks and goggles in addition to shoe covers, which have always been used. Mr. Pena said in April 2019, CSU responded to 17 homicides compared to April 2020, when the unit responded to 36. He said homicide rates have steadily increased this year. Mr. Pena said CSU responded to two officer-involved shootings in April 2019. This April, CSU responded to four. He said as crime increases in Houston during the pandemic, CSU is struggling due to its small staff. Mr. Pena said CSU responded to nine aggravated assaults in April 2019 and 14 in April 2020, a fraction of the total number of aggravated assaults in the city. Chairwoman Mitchell asked about CSU's aggravated assault response rate. Mr. Pena said the unit responds to about 1 percent of aggravated assaults. Mr. Pena said that as the number of violent crimes increases, crime scene investigators have less ability to recover mentally from graphic scenes. HFSC is providing counseling services and prioritizing personal well-being and mental health.
- R. Ms. Erika Ziemak, quality division director, gave the board an overview of blind quality controls, noting the division had met their April goals. Ms. Ziemak reviewed audits, disclosures, corrective actions, proficiency tests, transcript reviews and testimony data for April. Ms. Ziemak said the presentation she will present about blind quality controls to the Council of Federal Forensic Laboratory Directors will occur either in late May or early June. Ms. Ziemak said the blind quality control article co-authored by members of the quality and research and development divisions was recognized by Wiley publishers as one of the most downloaded papers from January 2018 to December 2019. Chairwoman Mitchell congratulated the authors. Ms. Ziemak said a firearms examiner falsely identified an actual case as a blind. She said the examiner thought the bullet, oddly named a "hospital" bullet, and other details of the case did not look like a real case. Ms. Ziemak said HFSC's accrediting body is still scheduled to conduct its onsite assessment the third week of July. She said the division will

consider alternatives in case it is postponed due to the pandemic. Ms. Ziemak said the quality division is currently doing its annual internal audits. She said the following audits have been completed, and the division had made the following findings: one nonconformance in latent prints, two in the multimedia section, four in CSU and no nonconformances were found in the toxicology section. Ms. Ziemak said 21 analysts had testified in 2020 and 18 had been monitored. She said the remaining three analysts would either be monitored later in the year if they testified again or HFSC would review a transcript of the testimony.

- S. Chairwoman Mitchell requested a motion to adjourn the meeting. Director Blancett made a motion to adjourn. Director Hilder second the motion. The meeting ADJOURNED at approximately 11:28 a.m.

By: Jordan Benton
Jordan Benton Secretary