

Houston Forensic Science Center, Inc.

VIRTUAL MEETING OF BOARD OF DIRECTORS

MINUTES

August 14, 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 August 14, 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 August 11, 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 August 14, 2020. She reminded directors to be mindful of audio delays, to unmute before speaking and to use the “raise hand” function in Microsoft Teams before speaking.
- 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,”) **Mary Lentschke** (“ML,”) **Ellen Cohen** (“EC”) and **Tracy Calabrese** (“TC”)

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. She reminded members to mute their microphones during the meeting and to unmute when speaking.
- 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 July 10, 2020 board meeting minutes. No directors had changes. Director Moore made a motion to approve the minutes. Director Blancett seconded the motion. Secretary Benton called the roll. The following directors were in favor: Stacey Mitchell, Philip Hilder, Anna Vasquez, Francisco Medina, Janet Blancett, Lois Moore, Vicki Huff, Mary Lentschke and Ellen Cohen. With none opposed, the motion passed unanimously.
- H. Chairwoman Mitchell presented a chair's report. She commended HFSC staff on behalf of the board for continuing during the pandemic to work through backlogs and other challenges. Chairwoman Mitchell reminded the board that presenters would share their screens throughout the meeting and to use the Microsoft Teams "hand raise" function to ask questions.
- I. Dr. Peter Stout, HFSC's president and CEO, said the COVID-19 pandemic has impacted operations and staff, noting that to date 13 HFSC staff members have tested positive for the virus. He said all had recovered except one person who remains out. Dr. Stout said HFSC has funding to continue weekly COVID-19 testing through at least August 17, but he hopes the lab will acquire additional funding to continue the onsite testing for staff. Since HFSC began testing staff, 159 or 79% of staff have been tested. In providing an overview of backlogs and turnaround times, Dr. Stout said the toxicology section is eliminating its backlog at an impressive rate, while also training additional staff to do blood alcohol analysis. He reminded the board that as backlogged cases are completed, the overall turnaround time increases since it is calculated based off the date a request is received. The toxicology, latent prints and forensic biology sections are currently completing their oldest backlogged cases, causing the lab's turnaround time to increase. Dr. Stout said the latent print section manager has resigned to take a job at another lab and HFSC is recruiting to fill that position. In the forensic biology/DNA section, the staff member training to fulfill the role of technical leader should complete a required class in the coming weeks so she can officially takeover the position. The toxicology section has its first three-year fellow from the U.S. Army as part of a casework research project that gives mid-career military officers the opportunity to gain more experience. Dr. Stout said he had a virtual meeting with Councilmember Sallie Alcorn and her staff. HFSC staff also provided virtual training to Houston Police Department investigators on the new probabilistic genotyping software or STRmix. Other HFSC staff have been doing virtual outreach nationwide. Venting has been upgraded and completed in the basement, allowing the firearms section to use its shooting range and complete work on shotguns. Dr. Stout also told the board that barring urgent needs, the treasurer's report will now be given quarterly. Dr. Stout then moved onto the bulk of his report regarding the state of forensics nationally and his proposal to consolidate city and county property room management under HFSC's structure. The value of forensics is outsized compared to the resources provided to crime laboratories nationwide, Dr. Stout said, pointing to a study that showcased the economic return on investment of sexual assault kit analysis. According to that study by economists Paul J. Speaker and Jennifer L. Doleac, there is a 10,000 to 64,000% return on investment from only one completed sexual assault kit. A single DNA profile entered into CODIS, the national DNA database, is valued at about \$20,000. Dr. Stout said HFSC enters about 150 CODIS entries per month which, based on this study, is a \$3 million return on investment each month. To further highlight the enormity of this return on investment, Dr. Stout said that although the study was done solely for forensic biology evidence, in theory, applying even half the total of the return on investment per CODIS entry to the number of completed cases in other forensic disciplines, the value is significant. On average, HFSC releases 2,300 laboratory reports monthly. If each

case renders even half the return on investment as a CODIS entry, or \$10,000, the monthly value equals HFSC's annual budget. But there is an enormous gap between the value of forensic work and the resources available to crime laboratories nationwide. The most recent data available on the state of forensics nationwide is from 2014 in a census of publicly funded forensic crime laboratories published in 2016 by the Bureau of Justice Statistics. In 2014, more than half the 411 labs in the country had fewer than 24 employees. HFSC has about 200 employees and receives about 30,000 requests annually, making it one of the largest labs in the country. A more current needs assessment released in December 2019 by the National Institute of Justice reported at least a \$640 million budget shortfall based on data gathered in 2017. Dr. Stout added that if training demands were included in that total, the shortfall for forensic labs across the country would be about a billion dollars annually.. Crime laboratories also struggle because nearly all available federal funding is earmarked for forensic biology/DNA even though this is a small percentage of the overall work done in most crime laboratories. Understanding the national problem with funding and resources, Dr. Stout said labs need to focus on efficiency. One of the biggest pain points for all crime laboratories is evidence. Countless hours are spent fixing evidence that has been incorrectly packaged and handled. Dr. Stout told the board he has a proposal to consolidate property and evidence handling under joint city and county civilian oversight that he believes would increase efficiencies systemwide, especially in crime laboratories. Law enforcement agencies have traditionally managed property rooms, but the quality and management of evidence impacts all parts of the justice system from crime labs to defense to prosecution and victims. Dr. Stout said his proposal to consolidate city and county evidence management under civilian oversight would improve the disposal of evidence, increase efficiencies in crime labs, lead to better outcomes for the criminal justice system and improve public trust, allowing law enforcement to focus on the work they're hired to do. As an example of how evidence can go awry and cause issues for the entire system, Dr. Stout recalled an incident from 2015 when a police officer submitted a blood alcohol case with information that should have been on a breath case. The laboratory noticed the error but its process at that time allowed for the sample to be analyzed before the officer fixed the issue. However, when the lab issued the report it also inverted the information. The repercussions were severe, and the TFSC issued significant findings after a lengthy investigation. Following this incident, HFSC changed its process and rejected any toxicology requests with incorrect submissions. When the change was first made, HFSC rejected nearly half of all toxicology requests. For months, HFSC and HPD collaborated to change policies and redesign toxicology kits, which HFSC now purchases and provides to HPD officers at a cost of about \$25,000 annually. Currently, the rejection rate is around two to six percent, which is 10 times higher than it should be, Dr. Stout said. To further highlight the inefficiency associated with poorly handled and managed evidence, Dr. Stout said it takes six minutes to accession a correctly submitted toxicology kit, but when it has to be rejected it takes HFSC about an hour to document, another two hours for the police officer to correct it and three more hours for attorneys and the courts to address the error. Dr. Stout said property rooms also have enormous capacity issues in part due to difficulties disposing of evidence. Referring to Houston Police Department property room data, Dr. Stout said it receives about seven items of evidence for every item disposed. This causes bottlenecks systemwide and increases the risk of unjust outcomes impacting all involved, including crime laboratories, defense and defendants, prosecution and victims. Dr. Stout reviewed the repercussions of how poor-quality evidence impacts different branches of the justice system and said law enforcement officers lose valuable time performing administrative evidence duties and dealing with inconsistent policies. Forensic laboratories that receive poor quality evidence produce poor quality results and lose

valuable time trying to remediate evidence errors that enter the lab. The prosecution and defense also struggle with bottlenecks in the transfer of evidence, and also deal with the negative impacts of poor-quality evidence and visibility in the evidence handling process. Victims and defendants are impacted by poor quality evidence because it could mean the difference between getting the right or wrong outcome, further jeopardizing the public's ability to trust the system. Dr. Stout said it would take about five years to implement his proposal and presented a 10-step plan to consolidate the Harris County Sheriff's Office and Houston Police Department property operations. The plan includes negotiating a governance structure, establishing a property and management task force, creating facility improvements and management practices, performing a migration audit, including philanthropic investment, establishing automatic systems to help eliminate human error and establishing a pricing structure for smaller agencies to join the consolidated structure. Director Blancett asked Dr. Stout to outline the advantages of a consolidated property room operation. Dr. Stout said it would standardize evidence packaging, reduce redundancies, introduce cost savings and increase transparency and public trust. In response to a question by Director Blancett about storage capacity, Dr. Stout said HPD has about 1.1 million items of evidence and on average receives about 170,000 items per year. Although he said he has less visibility into the Harris County Sheriff's Office (HCSO) data, he estimates they are about half the size of HPD. Director Huff asked what criteria exists for proper evidence disposal. Dr. Stout said evidence disposal depends on a variety of factors, including the state of prosecution, adjudication and time limits for evidence storage. For example, homicide evidence is stored, essentially, forever, while drug evidence may be disposed of within a few years. Dr. Mitchell said the National Institute of Standards and Technology (NIST) is developing guidelines for evidence management and the lifecycle of evidence from collection to disposition. The Chairwoman asked if the property room had been discussed when HFSC was created. Dr. Stout said he believes there were conversations around the topic, but that most of it was in a report published by attorney Michael Bromwich who was hired by the City to look into HPD's crime lab problems and make recommendations.

- J. Chairwoman Mitchell asked if any members of the public had joined the virtual meeting to address the board. No one addressed the board, and she closed the public comment period. The Chairwoman announced at approximately 10:15 a.m. that Director Vasquez experienced technical difficulties and left the meeting at about 9:18 a.m. She thanked Mr. Darrell Davis, technical advisory group member, for joining the virtual meeting.
- K. Dr. Amy Castillo, HFSC's vice president and COO, said the lab's overall backlog has been steadily decreasing the last few months. She said the toxicology, forensic biology/DNA and latent print sections had contributed to that decrease. Dr. Castillo told the board that barring any surprises over the next few months, she will present the operations report on a schedule that will include an overview of toxicology, forensic biology/DNA and lean six sigma. Dr. Castillo said blood alcohol requests to the toxicology section have almost doubled in recent years. New positions included in the current budget will make the section more productive. Dr. Castillo said the client services and case management division and seized drugs section are operating with two rotating teams, decreasing onsite capacity by about 50 percent. The seized drugs section is not able to perform casework or write reports from home but has maintained a 14-day turnaround time despite the pandemic restrictions, due in part to a decrease in requests since the start of the pandemic. The section is working to create a paperless workflow that will

allow analysts to complete more work from home. Dr. Castillo said the seized drugs section has worked with the Harris County Institute of Forensic Sciences and Department of Public Safety to develop a semi-quantitative method to analyze suspected marijuana products in response to H.B. 1325, which legalized hemp by defining it as a *Cannabis sativa L* plant product with a delta-9 THC concentration of 0.3 percent or less. Crime laboratories did not have a method in place to measure THC content when the law went into effect in June 2019, effectively halting nearly all prosecutions of marijuana cases. The new testing method will detect THC at 1 percent or more in plant products only. Dr. Castillo said this testing should be live by the end of the month and the section is using existing instrumentation to implement the new method. The toxicology and firearms sections are also operating at 50 percent capacity onsite but are able to complete more work from home. The turnaround time for entries into NIBIN, or the National Integrated Ballistics Information Network, has an average turnaround time of 38 hours, surpassing their 48-hour turnaround time goal. The forensic biology/DNA section, meanwhile, has 981 backlogged rape kits and 363 rape kits have been shipped to two private laboratories. Dr. Castillo said the lab anticipates eliminating its in-house backlog by November 2021 and having all analysts authorized to use a new probabilistic genotyping software by January 2021. By April 2021, all in-house kits that are backlogged will be completed. Dr. Castillo said the latent print section has about 2,419 backlogged requests. She said Tim Schmahl, the latent print section manager, would update the board about challenges the section has and is facing.

- L. Vice Chair Lentschke stepped away from the meeting at approximately 10:38 a.m. She returned at about 10:41 a.m.
- M. Mr. Schmahl told the board that in January 2018 the latent print section implemented a plan to eliminate its backlog and he anticipated it would be gone by December of that year. However, mid-year, Mr. Schmahl said he noticed progress declining and realized it was because the crime scene unit had become far more proficient at collecting latent print evidence, increasing the size of the cases submitted to the section, meaning each case had significantly more items of evidence and took longer to complete. Mr. Schmahl said the section has three latent print trainees that should be authorized in March to work independently. A fourth trainee is beginning supervised casework. Mr. Schmahl told the board that latent print cases require a lot of time to complete due to the manual and lengthy process examiners must follow for each case. Once an examiner receives a case, they must inventory and label the number of latent prints. The examiner then analyzes each latent print card to confirm whether any of the prints can be examined. A second latent print examiner must then repeat the same process and either confirm or refute the first examiner's conclusions. Mr. Schmahl said the examiners physically examine each card with fingerprints, and the prints are often unclear. Once examiners confirm suitable fingerprints, they search multiple databases that generate potential candidates. But unlike on TV where the database generates the "match," at HFSC and other latent print units, the work is manual. Identifications and conclusions are reached after an examiner carefully reviews each print to identify similarities and differences. Finally, the examiner's final report is written and administratively and technically reviewed by a second examiner. Due to this complexity and the manual process, when CSU started gathering more latent print evidence

and case sizes grew, it started taking longer for latent print examiners to complete each case, making it increasingly difficult to eliminate the backlog.

- N. Director Medina stepped away from the meeting at approximately 10:54 a.m. He returned at about 10:57 a.m.
- O. Ms. Aimee Grimaldi, project engineer, said a process improvement project will look for efficiencies in the latent print section and determine future staffing needs in the event the crime scene unit expands. Ms. Grimaldi gave the board an overview of the project, saying the goal is to improve the latent print section's efficiency, reduce backlog numbers, decrease the overall turnaround time and develop a staffing projection model to determine future needs. She told the board that the team may face possible challenges during the project, including impacts to the latent print section's production output since 30 percent of the section will dedicate about 10 to 20 percent of their weekly time to the project. Ms. Grimaldi said the project team will adjust to virtual work as a result of the pandemic. The team will include staff from other sections and gather stakeholder input. She added that the project timeline is about six to eight months.
- P. Mr. Jerry Pena, director of the crime scene unit (CSU) and multimedia section, CSU's caseload has continuously increased this year, with the total number of calls in July 2020 rising to 69 compared to 63 in July 2019. Homicide calls increased significantly, rising from 13 last July to 29 this July. Mr. Pena said this is consistent with what's occurring nationwide. Houston's homicide rate increased by 41 percent this year, making it the fourth highest increase nationwide among the larger cities. CSU also responded to 20 aggravated assaults in July 2020 compared to 15 last July. Mr. Pena attributed part of the increase in aggravated assaults to HPD seeking out CSU's services more often. Mr. Pena said the renovation to the vehicle examination bay will begin in the coming weeks and focus on items selected to improve quality and work environment. As part of the project scope, air conditioning will be replaced, and four open vehicle bays will be enclosed. Both will help improve evidence preservation. The bathroom, which flooded during Hurricane Harvey, will also be renovated. Mr. Pena said HPD will help fund security system upgrades. There are items that will not be addressed due to budgetary constraints. For example, HFSC would ideally like to replace the existing floor to use a material that helps prevent contamination, however, that is a high-ticket item and there is not enough money in the budget to complete that project. As such, the items being addressed at this time are the highest priority.
- Q. Ms. Erika Ziemak, quality division director, said the division met its July goals for submitting blind quality controls. Ms. Ziemak said she and Dr. Stout will present about the blind program to the Southwestern Association of Forensic Scientists. She added that the annual Association of Firearm and Tool Mark Examiners conference where the quality division had been scheduled to present about the blind program has been cancelled. Ms. Ziemak said HFSC's accrediting body, ANAB, found no non-conformances during a lab-wide assessment conducted from July 1 to July 30. The FBI will hold its assessment of the forensic biology/DNA section in October. This is an added layer of compliance exclusive to the DNA section and determines

whether they can access the national DNA database. Ms. Ziemak said that part of the lab's accreditation requirements includes stakeholder feedback. The quality division added a survey to the signature line of all HFSC email accounts in February. As of July, HFSC received 26 responses, 17 of which indicated satisfaction with services provided. Six respondents said they were dissatisfied or very dissatisfied. Ms. Ziemak shared a few responses received. Ms. Ziemak said a defense attorney submitted positive feedback that commended the new electronic release of discovery documentation via email. This process, prior to COVID-19, required discovery requesters to pick up a hard copy of their requested information at HFSC's facility. Ms. Ziemak also reviewed negative responses. One officer stated they had their latent print evidence rejected due to a duplicate request but had received no feedback on how to correct the issue. The latent print section and quality division reviewed the rejection language and created standardized language to be used going forward. HFSC released a memo to stakeholders who recently had latent print submissions rejected sharing the newly standardized language. Moving onto HFSC's transcript review program, Ms. Ziemak said the division has received 12 new transcripts to review. Jury trials remain suspended through October 1, but two staff have testified remotely and were monitored.

- R. Chairwoman Mitchell requested a motion to adjourn the meeting. Director Moore made a motion to adjourn. Director Hilder second the motion. The meeting ADJOURNED at approximately 11:47 a.m.

By: Jordan Benton

Jordan Benton Secretary