



UNIFIED FORENSIC LAB

Board of Directors Meeting of the Unified Forensic Laboratory

July 24, 2024 Agenda

1:30pm-3:30

The meeting will be at the UFL

8555 Double Helix Court

Englewood, CO 80112

Members

DC Sheriff Darren Weekly (V) – Vice Chair	AC Sheriff Tyler Brown (V) - Secretary	Aurora Interim Chief Heather Morris (V) – Chair	18 th Jud. District Attorney John Kellner (V)
Alternate Bureau Chief Mike McIntosh	Alternate – Chief Ken McClem	Alternate Dep. Chief Mark Hildebrand	Assistant DA Tom Byrnes
Aurora -Mayor Mike Coffman, (V)	AC Commissioner Jeff Baker, (V)	DC Commissioner Lora Thomas, (V)	Lab Director Kimberly Morrow (NV)

BOARD MEMBERS	
P	Heather Morris , Chief, Aurora Police – <i>Chair (V)</i>
P	Mark Hildebrand , Division Chief, Aurora Police, Alternate
P	Darren Weekly , Sheriff, DCSO – <i>Vice Chair (V)</i>
P	Tyler Brown , Sheriff, Arapahoe County – <i>Secretary (V)</i>
A	Mike McIntosh , Bureau Chief, DCSO, Alternate for Sheriff Weekly (<i>V</i>)
A	John Kellner , DA 18 th Judicial District (<i>V</i>)
P	Tom Byrnes , Assistant DA 18 th Judicial District, Alternate (<i>V</i>)
P	Mike Coffman , Mayor, City of Aurora (<i>V</i>)
P	Jeff Baker , Commissioner, Arapahoe County (<i>V</i>)
P	Lora Thomas , Commissioner, Douglas County (<i>V</i>)
P	Kim Morrow , UFL Director, Arapahoe County (<i>NV</i>)
P	Pete Schulte , Attorney of Record for UFL (<i>NV</i>)

P=Present A=Absent

ADDITIONAL ATTENDEES
Wendy Wales, Support Specialist UFL
Diane Romero, DCSO
Olga Fujaros ACSO
Tracey Montano, Deputy Director, UFL
Celina Oropeza, Deputy Director, UFL

Chris Juul, Deputy Chief APD
Dan Avery, DCSO
Ethan Snow, APD
Undersheriff David Walcher, DCSO
Shane Williams, UFL/DCSO
Amanda High, UFL/ACSO
Kiana Valenti, UFL/ACSO
Chanel Ewing, UFL/APD
CheyAnne Ivis, APD/ACSO
Darla McCarley-Celentano UFL/APD
Janette Guscott UFL/APD
Alex Luby UFL/18 th
Ray Perez UFL/APD
Christine Spiegel UFL/APD
Chanel Ewing, UFL/APD
Mary Schleicher UFL/ACSO
Omar Felix UFL/ACSO
Kelsey Peters UFL/APD
Yohana Ostorga UFL/APD
John Schneebeck APD
Mara Nelson APD
Deputy Byrnes, 18 th
Dan Avery DC Commissioner's Office

1. **Call to order:** The meeting was called to order by Chief Morris at 1:39pm.
2. **Roll call / Confirm Quorum:** A roll call was conducted by Sheriff Weekly and confirmed a quorum was present.
3. **Approval of minutes from last meeting:** A motion to approve the minutes of the last meeting 01-24-2024 was presented by Commissioner Baker 2nd by Sheriff Brown. Motion passed.
4. **Meeting notice:** Notice of the meeting was posted on the UFL website on Monday 7-22-24.
5. **Executive Session:** No executive session was needed.
6. **Open ongoing items:**

a) Vacancies and Staffing Updates – Director Morrow

Director Morrow introduced Celina Oropeza, the new Deputy Director for APD. Celina's background includes being a DNA analyst. Celina is from Texas and has recently returned from a deployment in Kuwait.

Olivia Kassie our new hire DNA analyst starts on Monday. Olivia comes to us from Virginia Commonwealth University.

We currently have a DNA technical leader in background with Arapahoe County.

Carey Alvarez Bacha our Firearms technical leader is departing the lab on Friday. She will return temporarily in a contract position, in a limited capacity until we have a new hire in place. Carey's departure will leave us with one experienced firearms examiner and one brand new examiner. This contract will allow her to finalize a validation she has spearheaded as well as complete reviews for the unit.

We have submitted a proposal to Arapahoe County for our senior firearms examiner to promote into the technical leader position. We will be posting for an experienced firearms examiner through Aurora. Thank you to Arapahoe County and Aurora for their willingness to help move the puzzle pieces around to get our firearms unit where it needs to be.

You will notice when you are looking at statistics for the DNA unit, case work will be slow going. It will be a long time before our new employees are up and running, the same will be true of the firearms unit until we are back up to full staffing levels.

Chief Morris asked what the impact would be for both the DNA and Firearms Units?

- Director Morrow stated there would be a significant impact for the DNA unit. Director Morrow said the DNA backlog is already going up, the DNA unit already has an analyst in training and will now be training a second analyst, as well as losing our technical leader who was a workhorse. We have had an analyst step into the TL position, which will decrease the number of working analysts by another one, all these things combined will make a big difference in the output. We can prioritize cases as much as possible. And we will do the best we can. To get someone from grad school to a fully trained analyst takes over a year. It will be a significant amount of time before the DNA Unit is back up and running.

Firearms Unit: Carey Alvarez Bacha was our technical leader as well as a working examiner. We will be down to one experienced examiner who will be taking on the technical leader responsibilities and one examiner who is not able to do verifications yet. There will be a slowdown.

- Sheriff Weekly asked if there was a homicide in Douglas County how would it be handled?

Director Morrow assured Sheriff Weekly we would still be prioritizing based on urgency and we will do our best to accommodate all the agencies needs as best we can.

b) Contract Quality Assurance Administrator update – Director Morrow

The contract for the Quality Assurance Administrator is still in the process with Aurora. Director Morrow is still managing those responsibilities for the moment. We are hoping the process will be completed soon and we will be able to bring Anja onboard.

c) 23rd Judicial District discussion – Board

This was requested to be back on the agenda at the April BOD meeting.

Commissioner Thomas stated this motion was brought by Undersheriff Walcher while he was the representative for DCSO at the April BOD meeting. The question was asked what we will do with the District Attorney's Office when we have both the 18th and the 23rd Judicial District at the Lab in January?

What is being suggested is two different scenarios.

The original IGA stated there would be someone representing law enforcement from the parties (Douglas, Arapahoe and Aurora) and another voting member "at large" the suggestion is "at large" be removed and the parties be represented by an "elected official".

Under this proposal, Arapahoe County would be represented by a Commissioner, Douglas County represented by a Commissioner and Aurora would be represented by the mayor or a councilman.

The second discussion that took place was how to count the vote. Currently there are seven people who are authorized to vote, two from each of the agencies and the district attorney. The suggestion is that each of the district attorneys would receive ½ of a vote. If the tie involved operations of the lab; it would be decided by the law enforcement agencies. If the tie involved funding of the lab, any decision would be decided by the representatives from Aurora, Arapahoe County and Douglas County.

Commissioner Thomas asked Undersheriff Walcher if he had any thoughts on the proposal.

Undersheriff Walcher feels with the 23rd joining the lab, it is fair for the agencies providing funding to have the final say on decisions in the event of a tie. He feels it is an excellent decision to have an elected official from each agency providing funding

making the decision in the event of a tie. Under the proposal, the lab director would remain a non-voting member. Under the original draft of the IGA in 2016, the lab director was a voting member but that was later changed by the commissioners to have an executive director who is advised by the BOD how the lab operations should proceed.

Pete Schulte suggested the item be added to the agenda of the October BOD meeting for a vote for the recommendation of the board, to send the IGA back to the governing body. It would then be up to the governing body to take it back to their city commissions to vote on.

The item will be added to the agenda for consideration and vote for recommendations to the governing bodies to vote on a superseding IGA.

Commissioner Thomas asked Pete Schulte if the discussion could be taken back to the governing bodies now for the vote, he advised it was not listed as an item of the agenda of the meeting, initial discussions could take place but not the vote.

Commissioner Thomas asked Assistant D.A. Tom Byrnes if he had anything he would like to add. He said he had no objections and would like to see it be an item for vote at the next meeting.

d) Lab Outreach and Agency Trainings – Deputy Director Montano

The lab management was asked to assist with APD patrol trainings. Beginning in May the lab have been hosting in house weekly trainings. Trainings included basic lab overview and capabilities as well as some firearms education. The goal was to open communication with officers and provide them with basic information to help with laboratory submissions. As of next week, all officers in APD Patrol have completed the class. The final class will be taught next week.

The lab also completed a more specific firearms class at the 17th Judicial District. The training was very well received. We anticipate completing more trainings for the 17th.

Chief Morris asked if training is available to other agencies? We offer trainings to any of the agencies who would like to participate. ACSO has a new investigations training, those classes are set to take place in the fall.

Director Morrow wants to get a shoutout to our firearms unit, they have been instrumental in the teaching of firearms class. They have given agency personnel exposure to rarer weapons they would not see on a regular basis and have taught them how to safely handle them.

e) **NIBIN Position – Board**

Chief Morris discussed the NIBIN position currently being funded by APD on a contract basis that was not a part of the original IGA.

Director Morrow would like to present a formal proposal at the October meeting for another agency to pick up this NIBIN position which will no longer be funded by APD past December. It could be through the 23rd of one of the other agencies, but down the road this is a position that will need to be filled by the lab. If we lose this position while our firearms unit is already short staffed we will be in an even worse position than we currently are.

Commissioner Baker asked the cost of the position include benefits. Director Morrow said it would be up to the agency. Commissioner Thomas would like to add the funding partners in the lab are Arapahoe County, Douglas County at Aurora and the District Attorney's office is not funding people.

Deputy Director Montano stated the District Attorney's Office has always funded a position in the firearms unit. Director Morrow followed up by saying; it was a part of the MOP with the 18th Judicial District. The MOP states they will have services in exchange for "something" the 18th chose to fund a person as their "something".

Commissioner Thomas would like to know where in the IGA is says the 18th will fund a person. Director Morrow stated it is in the MOP, and states services in exchange for resources, the 18th made the decision to provide funding for an employee in exchange for services. Those decision were made between the 18th and the former laboratory director before the lab opened. Commissioner Thomas said they have very carefully funded the staff going into the 23rd District and they have not funded for a person to go into the crime lab. She doesn't feel it is fair to ask the 23rd to put a person in the Lab when the people funding the 23rd have not funded that position. She feels it needs to be very clear moving forward that we are following the IGA for who can fund people in the Lab. In essence, Douglas County would be paying for anyone from the 23rd to come into the Lab.

Assistant DA Tom Byrnes speaking on behalf of the 18th does not recall the initial conversation for funding a person at the lab, but stated the 18th was happy to contribute a person to the lab. They are very proud of that position and everything Alex has accomplished since he has been at the lab.

The 18th' stance on the NIBIN position being withdrawn from the lab by Aurora would be to maintain the position as a priority, whether it is funded by the 23rd, the 18th or other agencies, we should keep the services available to the entire region.

Commissioner Thomas asked is there anything in the IGA that prohibits the 18th from holding the current position they pay for.

Pete Schulte stated, although it isn't listed in the IGA, the position was given to the lab through the 18th as their way to support the lab. It was a decision made between the lab director and the parties. The 18th also pays for legal counsel for the Board of Directors. Pete continued, they could either make the decision to add the funding of a person to the IGA or wait until next year when the 23rd officially joins the Lab.

Chief Morris asked if the agreement with the 18th funding a position a binding agreement? Pete Schulte said the 18th Judicial District have the right to change their contribution the end of every cycle (year) as all agencies does. They may leave their funding the same or choose to increase or decrease it.

Commissioner Baker said he has not seen a list of employees for the transition between the 18th and the 23rd. He is sure staff is working on it. In a prior conversation with Director Morrow about the position, Commissioner Baker asked Patrick Hernandez contact Director Morrow. Commissioner Baker is not up to date with all the decision that have been made regarding the 23rd, but said he is very amenable to considering the addition of the position of the NIBIN Technician.

They have started posting those positions, once the issue of support is resolved, they would consider picking up the position with the contribution of funds.

Commissioner Thomas said tomorrow night at the Boot Not Scoot Event, he will mention it to the other Commissioners, and they will then have information to continue the conversation about the position.

Sheriff Weekly expressed we should rewrite the entire IGA now the lab has been operating for a few years. We should wait until the new DA comes onboard in January, things will be changing, and we need to look the entire IGA and make determinations. We have a track record of usage and a much better picture of the areas of responsibility. A lot of things written into the IGA don't apply anymore.

Chief Morris asked how any changes made now would that impact the IGA. Sheriff Weekly said he is not suggesting we delay any decision made now but moving forward when the 23rd joins the lab we could make another amendment.

Pete Schulte confirmed the Sheriff would like to move forward with any changes now and the redo the IGA in January.

Mayer Coffman asked if it would be better to make all the changes at the same time.

Pete Schulte suggested to have something in the IGA that establishes procedures like funding. Doing this would mean not having to get the IGA approved every time a change is made.

Commissioner Thomas believes it is important to memorialize and remember Douglas County put \$17,000,000 into the building. She feels the amount of usage Douglas County hasn't been anywhere near the other agencies. The IGA was crafted so over time Aurora and Arapahoe County would backfill what Douglas County contributed to begin with. The District Attorney's office is not funding agencies. When you are asking for money from the DA's office you are really ask for money from the agencies Douglas County and Arapahoe County who fund those DA's Offices.

Sheriff Brown said getting and FTE request in October, which will be at the end of everyone's budget cycle we would be waiting for over a year to get that position funded unless we can get a special vote between now and then. Sheriff Brown wants to be sure by delaying a vote we are not pushing an FTE position down a full budget cycle.

- f) **IGA Fiscal Discussion update** – Director Morrow sent the agenda out. Director Morrow turned the meeting over to John Schneebeck to discuss the IGA Fiscal meeting with the Agencies.

John said there are fundamental differences in what is being put forward from each agency as far as finances. Arapahoe and Aurora can determine exactly what their direct expenses are whereas Douglas County has their finances combined with their CSI Unit. Some of the service agreement and warranties are not being put into the expenses of the agency.

They started some of their positions with employees working in the field as CSI's and part time at the lab. This conversation started to become how many hours were they putting in at the lab. They started looking at the Aurora IT support, is the IT person supporting the lab 100%? This conversation turned to hours supporting the lab in other position, Aurora doesn't report any hours for things like grants, paying bills or reporting, and any other things that are required of Aurora for maintaining the responsibility of being the fiscal agent.

Aurora is recording agreements with equipment, but the other counties are not doing that. There are a lot of indirect costs, and this meeting showed there are differences in the way the agency budgets are being recorded. This meeting was taking place around the same time as the agencies were putting together their 2025 budgets. John feels they could all get better standardization in how things are being recorded. He said they held

the initial meeting as the BOD requested but the consensus is they don't have enough resources to drill down to every little detail, so they need to try to keep things simple as far as processing goes.

Commissioner Thomas asked if they concluded on how to move forward.

John Schneebeck replied, all the agencies could get better in some areas, but if you are looking to do a complete rewrite, it is more time that the agencies can put into it now.

Mayor Coffman, what is the recommendation? In terms of time, when do you think you can have something?

John replied they could possibly try to start meeting between now and the end of the year. If you are making a different decision with the 23rd, it will have some affect to it. They could perhaps get a little more standardization as to what they put together by identifying what they know they don't count. For example, Aurora is paying a lease for equipment, they don't want to not count that as an expense. For indirect costs are you looking for some kind of allocation? They are not going to be able to check a box every time they do something that is associated to the lab, it is not a feasible activity.

Mayor Coffman asked for the fiscal agents to come up with some options and try to give a status update before the next meeting. He would like them to proposing some recommendations, it is pertinent we get as far as we can.

John stated they would try to meet a couple of times between now and the next board meeting and give a status update.

Chief Morris asked if they meant proposing some recommendations and options. John replied, yes.

Sheriff Weekly said it is prudent we get as far as we can until the 23rd comes onboard at least we are moving towards that by redoing the IGA. Sheriff Weekly feels it is appropriate to have these financial meetings.

Fee for service update – Director Morrow In speaking with John Schneebeck regarding the fee for service, he says it is not feasible for them to take that on, whilst this other project is going on. It was requested by the board and Director Morrow presented some cost options, but it might need to be delayed.

John stated the agency that employed the director of the lab was going to be the fiscal agent, with the change in director, he said the fiscal agent should be handed off to Arapahoe. It has to do with decisions being made, paperwork being signed along with the accountability of running a financial entity within a government agency, you

would have your employee signing off not some outside agency. It is something that needs to be considered if that is the way we wish to go. It needs to be cleared up in the IGA.

Chief Morris asked if we are not in compliance with the IGA. Pete Schulte (legal counsel) said it is unclear in the IGA and needs to be cleared up. Chief Morris asked for clarification as to if we are out of compliance, Pete said we are not in violation of the IGA. The IGA only speaks of the 1st lab director. He was an Aurora employee, so Aurora kept fiscal responsibility.

Chief Morris asked why we couldn't move forward with the fee for service. Director Morrow explained the fiscal demands would be too large for Aurora to take on the extra responsibilities.

Chief Morris asked who told her that, she replied John Schneebeck. John Schneebeck said the suggestion that we start doing item by item billing for Aurora is a large chunk of processing, plus the revenue as outlined by the IGA tells how we will split the revenue, and it just increases complexity and increased workload on the fiscal agency. Chief Morris asked doing it all at once are we talking about changing the way we are splitting things up currently.

The IGA creates a lot of complexity, the way we are splitting it up, with the queues we already have, how do you justify fee for service when with the queues we already have, how are you going to complete work for a third party when you haven't completed work for yourself. As the fiscal agency, now you want me to go create invoices to outside parties and make sure the funds are collected.

Pete asked if this is billing the main three agencies? Director Morrow explained it wouldn't be for the main three agencies, it would be, for example, billing Lone Tree for providing DNA services. All the subagencies retained what they had before the lab started, so Arapahoe County subagencies (Greenwood Village) had Latent Prints and they still have Latent Prints, but they have no access for firearms, DNA or chemistry because they didn't have that. Those cases are being split up; we can't do what is best for the case. The same is true for Parker, they didn't have DNA through Douglas County because DNA didn't exist, so they don't have access to DNA. We are hoping to be able to do what is best for those cases and allow those agencies to pay for those services they are not entitled to. The alternative is the three agencies say they will take on the full cost of their sub agencies. It was discussed at a previous meeting and the discussion was, these agencies have money to pay for these services and that is where the fee for service conversation came from.

Director Morrow said the fee for service proposal she presented previously was as close to cost as possible. The intent is not to be recruiting agencies from all over the place, it is to provide for the sub agencies of our agencies and let our analysts do what is best for the cases.

Commissioner Thomas said she understands it was always Lt. DuFour's plan, when everything was in place, the work was flowing, then we would start selling services here to the agencies in the area already. As soon as get the fiscal responsibilities sorted out, hopefully we can move forward with the fee for service proposal that was presented in January.

Chief Morrow asked if there was any further discussion on the fee for service discussion.

7. **New Business:**

a) **Grant Funded Equipment – service contracts – Director Morrow**

We have applied for the Paul J. Coverdell Forensic Science Improvement Grant again, only 10 to 15 Laboratories will be successful in receiving funding. Last year we were not successful. If successful this year, the funding would come through in October and will get the funding some time in 2025. If successful we do have an item listed that would require a service contract. After a year of service contract, there would be an annual cost of \$5,535, which split between three agencies would be \$1,845 per agency.

Director Morrow would like to request the agencies approve that service fee moving forward. We have done that with previous years with other equipment. It could go up in the next couple a year. She does not anticipate it being more than \$2000 a year per agency.

Pete asked when we would hear about the Grant. Director Morrow said they generally give the Grant awards in October for the funds to be distributed in January.

He suggested the motion to present would be “pending the receiving of the grant would the agencies approve the annual funding cost of around \$1,845 per year for the service maintenance contract? The grant has been applied for and there is a slim chance we will receive it. Commissioner Thomas asked what the grant was for.

Director Morrow replied, it is for the FSIS2. This equipment is for the Latent Prints Unit it is imaging that limits the amount of physical processing of an item. One of the big things in the lab is the ability to process drugs and drug paraphernalia. Drugs come in a baggie, if we need to dye stain the evidence and rinse the dye stain, if by some chance there is a hole in the bag, we risk the item becoming contaminated

through excessive handling, it is used for challenging latent print items and would allow us to process specifically drug evidence and would increase the safety of our analysts. It is an \$85,000 purchase that we hope to get on the Grant. The service contract would be with Arrowhead Forensics.

Commissioner Thomas asked if the service contract price is included in the cost of the equipment. Director Morrow said the \$85,986 includes 1st year of the service contract, after year one, it would likely still be under \$2000 per year per agency.

Commissioner Baker recommended to bring this motion back to the October meeting. Commissioner Thomas would also like to bring it back, it would give her a chance to refresh her memory of all the expenses incurred by Douglas County. Commissioner Thomas mentioned Douglas County pays all the electric and all the upkeep of the building running. She believed Aurora and Arapahoe would pick up all the other expenses and would like to refresh her memory of how the IGA reads.

Chief Morris asked the Grant requires the warranty in the first year. Director Morrow said it doesn't, it is an ongoing cost after the first year. Pete Schulte said the item should be added to the agenda for next meeting under ongoing business.

8. **Motion to adjourn** - motion presented by Sheriff Brown, seconded by Commissioner Baker.

Meeting adjourned 2.34 pm

9. **Next Meeting** – October 23, 2024 / 1:30pm – 3:30pm @ UFL