

## AQR: Court Testimony Monitoring

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### Introduction

Court testimony monitoring is necessary to evaluate the delivery of the analyst's testimony and to ensure that it is scientifically consistent with the findings recorded in the case file.

Two methods of testimony monitoring are employed:

- court testimony observation
  - court officer evaluation
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### Requirements

If an analyst testifies during the calendar year, they must be monitored at least once.

#### 5.9.6

In sections where analysts testify infrequently, supervisors should make every effort to ensure that monitoring is accomplished at the first opportunity each year.

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## AQR: Court Testimony Monitoring, Continued

### Court testimony observation

Analysts may have their testimony observed by their unit supervisor or the supervisor's designee. Observers should be knowledgeable in the subject matter.

#### 5.9.6

Observation is preferred for new and inexperienced analysts. All analysts should be monitored by observation at least every two years.

The following table gives the general process for court testimony observation.

| Stage | Description  |
|-------|--|
| 1     | Prior to leaving for court, the report and notes should be reviewed by the observer and a copy taken to court for comparison to the testimony given.   |
| 2     | The observer accompanies the analyst to the courtroom and records all observations on the <i>Testimony Observation</i> form.   |
| 3     | Based on the recorded observations, the observer writes a performance summary on the observation form.<br><br>NOTE: For dealing with reported major deficiencies, see <i>Deficiencies in court testimony observation</i> . |
| 4     | The supervisor meets with the analyst to discuss the evaluation.<br><br>If there are deficiencies, a procedure for implementing necessary corrective action is agreed upon.  |
| 5     | The analyst is given a copy of the evaluation.   |
| 6     | The original form is given to and retained by the Quality Manager.   |

#### 5.9.6

### Deficiencies in court testimony observation

The process for dealing with observed major testimony deficiencies is similar to *Departures, Technical Problems and Corrective Actions, DPC: Problems with Analyst Casework*.

#### 5.9.6

Completed corrective actions resulting from testimony observation will always be followed by a second observation session by the supervisor at the next available opportunity.

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## AQR: Court Testimony Monitoring, Continued

### Court officer evaluation

Analysts may have their testimony evaluated by one or more court officers. Court officers include the prosecuting and defense attorneys and the judge. The *Court Officer Evaluation* form is used for this purpose.

Court officer evaluation may be requested by the supervisor or voluntarily initiated by the analyst.

The evaluation form may be given to the appropriate court officer by the analyst at court or sent by mail shortly after the testimony. The court officer is requested to complete the form and return it to the laboratory by inter-office mail, US mail, or email attachment.

The supervisor may also contact a court officer by phone and request a verbal evaluation. The information received is entered on the evaluation form by the supervisor.

The following table gives the general process for reviewing the completed evaluation forms.

### 5.9.6

| Stage | Description   |
|-------|---|
| 1     | The supervisor reviews the completed form.<br><br>NOTE: For dealing with reported major deficiencies, see <i>Deficiencies in court officer evaluation</i> . |
| 2     | The supervisor meets with the analyst to discuss the evaluation.  |
| 3     | The analyst is given a copy of the evaluation.  |
| 4     | The original form is given to and retained by the Quality Manager.  |

### Deficiencies in court officer evaluation

### 5.9.6

Major deficiencies reported by a court officer (and all unsolicited complaints) will automatically result in court testimony observation by the supervisor at the next available opportunity.

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## AQR: Court Testimony Monitoring, Continued

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### Testimony monitoring records

The Quality Manager will retain court monitoring records for at least one accreditation cycle or five years (whichever is greater) from the date of the testimony.

#### 5.9.7

After this period, the analyst's name and date of monitoring will be kept as a listing in a permanent file. The original documents may be destroyed at this time.

All testimony monitoring files will be kept in a locked filing cabinet. The Quality Manager, or designee, and the Laboratory Director will have access to these files.

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