

	<b>LOM 2.7 Courtroom Testimony</b>	
	<i>Document #: 1339</i>	<i>Page 1 of 1</i>
	<i>Revision #: 6</i>	<i>Issued Date: 09/16/2020</i>
	<i>Document Manager: John Bowen</i>	<i>Approved By: Ryan Larrison</i>

## 2.7 Courtroom Testimony

### 2.7.1 Monitoring

Laboratory administration shall ensure monitoring and documentation of the expert testimony of its examiners. Expert testimony shall be monitored and documented in one of the following manners:

- In-court, video or testimony transcript technical review by a supervisor or peer that has been competent in the discipline being reviewed. The technical review shall be documented on the FS-47 form or in the Testimony Evaluation workflow.
- In-court or video non-technical evaluation by another FSD employee, the judge, attorney, or law enforcement officer associated with the case. It is the employee's responsibility to provide questionnaires when they testify in court (FSD-012XX form recommended). The FSD-012 form shall be maintained by initiating and completing a Testimony Evaluation workflow.
- A testifying employee may not conduct a technical review of their own testimony.

#### 2.7.1.1

Each examiner shall have, at a minimum, one annual testimony technical review per discipline in which they conduct an analysis as defined in ANAB AR 3125 standard 7.7.1.I). Additional testimony technical reviews covering the range of categories of testing within the discipline and non-technical evaluations are encouraged. If the employee testified during the annual cycle but no testimony technical review or evaluation is received, the employee shall request court transcripts of the testimony for a supervisor or peer that has been competent in the discipline being reviewed to evaluate. If no testimony was given for the annual period, a Testimony Evaluation workflow shall be completed indicating no testimony was provided for the year. Additional monitoring may be required based on:

- Complaints from attorneys, judges, or law enforcement personnel
- Concerns raised by another FSD employee
- Monitoring of newly trained examiners

#### 2.7.1.2

All Testimony Evaluations shall be forwarded to the appropriate Laboratory Director for review. The workflow shall be reviewed and approved by the examiner, his/her Laboratory Director and supervisor (as applicable). Each workflow instance shall be maintained for a minimum of one accreditation cycle. The Laboratory Director, or their designee, is responsible for ensuring completion of a technical review for each employee in each discipline they conducted testing annually. Additionally, technical reviews of testimony will be the subject of the internal audits.

#### 2.7.1.3

When it has been determined that an employee is having difficulty providing expert testimony, appropriate action shall be taken. The action may be in the form of a corrective action, counseling, on the job training, and/or formal training.