

*Approved by Director: Dr. Guy Vallaro***A. PURPOSE:**

Court monitoring is a tool used to aid employees so that they can improve how they present themselves and the case facts when they testify, and to ensure that laboratory personnel are appropriately representing the laboratory in the legal environment.

**B. RESPONSIBILITY:**

Analysts (however titled): supply courts with court monitoring forms when they testify.

Unit Supervisor/Leads (however titled): review completed court monitoring forms and address issues revealed in forms. When possible and appropriate attend court to observe employees as they testify.

Quality Manager/Assistant Quality Manager: review completed Witness Evaluation forms, maintain a log of court monitoring forms, consisting of the individual, court where testimony was given, date of testimony and the overall rating.

Director and Deputy Directors: support the court monitoring process and provide guidance as required.

**C. PROCEDURE:**

1. Court monitoring can be performed in three ways.

- a. Witness Evaluation form: this is the most frequent way testimony will be reviewed, although it is recognized that this is not as good as direct observation. In all cases the analyst will provide the courts with a laboratory Witness Evaluation form. This can be given to the judge, prosecutor and the defense attorney. It is the option of those individuals to complete the forms. This is used as a mechanism for our customers to give the laboratory feedback in how analysts present themselves and the case materials. (See forms GL17:1).
- i. The individual testifying is required to provide the courts with witness evaluation forms. These may be provided to the court inspector/investigator to be distributed to the judge, prosecutor and defense attorney.
  - (a) It is suggested that the testifying analyst complete the date, court, witness name, lab case number, type of case and defendant on the form prior to submission to the court – this is to make the process easier for DSS customers.
- ii. Completed forms are submitted to the Quality Section. These are scanned into Qualtrax and the analyst and analyst's Supervisor/Leads (however titled) are notified to review the evaluation form. This is documentation that the analyst was provided feedback on their testimony.

*Approved by Director: Dr. Guy Vallaro*

- (a) If the analyst has questions concerning the evaluation they should direct the questions to their Supervisor/Leads.
  - iii. It is recognized that a witness evaluation may be affected by the reviewers opinion of the factual content of the testimony and/or the outcome of the case. If a poor review is given and it appears that this has occurred a note may be placed with the review by the Deputy Director, Supervisor/Lead, and/or Quality Manager/Assistant Quality Manager.
  - iv. The Deputy Director, Supervisor/lead, Quality Section or Director can require remedial training (e.g. moot court or other instruction) based on the review of the monitoring documents.
  - b. Telephone Contact with attorneys: this approach will be infrequently used due the inconvenience it may cause the reviewers. When used, contact will generally be made by the unit Supervisor/Lead or Deputy Director. Feedback regarding the quality of the testimony, specifically asking where improvements are needed will be requested.
    - i. The person contacting the attorney should use the witness evaluation form (GL-17.1) to document the review.
  - c. Direct Observation: this approach will be infrequently used due to the time required to monitor all employees. Whenever possible the first time an employee testifies a representative from the laboratory will be assigned to observe the testimony. Preferably this will be the unit Supervisor/Lead or a member of the Quality Section but it can be another individual competent in the field. Additionally direct observation will be used for moot court testimonies and in cases where there is a significant complaint about an individual's testimony.
    - i. When direct observation is used, the monitor will complete a Witness Evaluation form (GL-17.1). If the monitor is not the Unit Supervisor/Lead, the monitor will review the information with the Unit Supervisor/Leads and the testifying analyst. The form will be forwarded to the Quality Section and the form will be processed as above (section a.ii).
2. Review and Feedback:
- a. All reviews, whether obtained through direct monitoring, feedback from the courts or interview with the courts, will be directed through the Quality Section. All such monitoring documents will be scanned into Qualtrax by the QS.
    - i. Notification will be sent through Qualtrax to the Supervisor/Lead and the testifying analyst to review the form.
    - ii. Upon receipt of a notification the analyst and Supervisor/Leads are responsible to review the form and respond that the feedback was given.
  - b. Reviews which are not favorable may require further training; this will be assessed by the Supervisor/Lead with the Quality Section and Deputy Director for appropriate follow-up.

*Approved by Director: Dr. Guy Vallaro*

- c. Witness Evaluation forms or notes of direct observations will be maintained with the Quality Section for a period of no less than 10 years. Employees need not officially maintain their copies of the Witness Evaluation forms.
  - d. Section Supervisors/Leads may choose to hold post testimony interviews with unit employees to evaluate/address any concerns the employee or the Supervisor/Leads may have concerning specific case testimony.
3. Subpoenas and Court Appearances:
- a. All subpoenas need to be logged in by administration. Any employee receiving a subpoena that has not come in through administration must supply a copy to administration. A member of administration will log the subpoena into Justice Trax under the specific case.
4. Analysts shall ensure that the subpoena and court appearance information is updated in Justice Trax as appropriate.
- a. Information of the date of appearance, court, docket number and other information can be added as known.
  - b. If the subpoena is canceled this information is to be added.
  - c. See GL-17.2 for guidance in using Justice Trax to log in and updating subpoena information.