



Intermountain Forensics

SOP #

ADM-111

Revision #

04

Forensic DNA Technical Leader Approval

Issue Date

09/01/2023

Testimony

1. Purpose

Provide policy on testimony for staff.

2. Summary

This describes the testimony policy, process of handling subpoenas, preparation for testimony, providing testimony, travel and time, and courtroom testimony monitoring, as well as testifying for a former employer, if subject to the jurisdiction of the Texas Forensic Science Commission.

3. Procedure

Responsibility for Court Testimony

1. All Intermountain Forensics (IMF) personnel who handle casework evidence or perform any processing do so acknowledging the possibility of courtroom testimony.
 - a. IMF personnel additionally acknowledge that they may be required to testify on work performed while employed at IMF, after that employment has ended and that the expectations of proper preparation are still in place.
 - i. IMF will facilitate this preparation by providing the required documentation for review prior to the testimony occurring.
 - ii. In the event IMF has reservations regarding the testimony of the subpoenaed individual, it is the responsibility of laboratory management to communicate the *substantiated* concerns to the responsible attorney in the case.
2. All IMF personnel who have been called to testify are responsible for proactively discussing any important details of the case with the customer prior to the day of testimony.
3. Verification of this acknowledgement will be documented in writing and saved in the individual's personnel file.

Notification of Court Testimony

1. All testimony is entered into the IMF Testimony Log.
 - a. It is recommended to scan subpoenas, if necessary, and save a copy in the associated case folder.
2. Send an acknowledgement of receipt email to the legal official requesting testimony
 - a. Include the Director of Laboratory Operations and the DNA Technical Leader on the communication as notification of the impending testimony.

Travel, Time, and Billing

1. If video testimony is requested, the subpoenaed individual will coordinate an appropriate location to provide the testimony that provides privacy and a professional backdrop.
2. Travel, if necessary, is coordinated by the subpoenaed individual.
 - a. Reimbursement for travel expenses require receipts
3. Billing
 - a. Travel time for billing is tracked from leaving to the airport until the return from the airport.
 - i. Maximum of 8 billable hours per day.



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- b. Preparation time is tracked including meeting times with the court official/customer.

Preparation for Court Testimony

1. It is the expectation of IMF that appropriate preparation will occur prior to providing testimony in any case. Appropriate preparation includes, at a minimum:
 - a. Case File
 - b. Communications with the customer
 - c. Chain of Custody of the evidence submitted in the case.
 - d. Review of validation studies and procedures of any technologies used in the case that have been archived.
 - e. The contents of any discovery packets provided to the customer.

Testimony Provided by an IMF Employee for a Former Employer

1. In the event IMF personnel is called to testify on casework performed with another employer, IMF will allow for adequate time for preparation for the testimony and court attendance during regular business hours.
 - a. The subpoenaed individual's direct manager must be notified of the subpoena prior to any time being dedicated to preparation.
 - b. The costs of travel and lodging required for the individual to testify will not be assumed by IMF, and the individual is encouraged to discuss with their former employer and the responsible attorney on these matters.

Court Testimony Evaluation

1. Two methods of evaluation are utilized by IMF:
 - a. Technical evaluation which is an evaluation performed by an individual authorized to perform casework in the technology/component/parameter in which the testimony is offered. This evaluation will include assessment ensuring that the testimony provided is in conformance with the methods and applicable management system documents of IMF.
 - i. An individual cannot perform the technical evaluation of their own testimony.
 - b. Court Official/Customer evaluation which is an evaluation of the testimony by an officer of the court or the customer who engaged the services of IMF for court testimony.
2. When possible, courtroom testimony for each analyst will be reviewed in some capacity annually.
 - a. No evaluation is required if an individual does not testify in that calendar year.
 - i. If an individual does not testify in a calendar year this will be noted on the testimony log
 - b. A testimony evaluation form completed by a court official, a review of courtroom transcripts, or video monitoring may be used to complete the testimony evaluation.
 - c. To ensure testimony is in conformance with the methods and applicable management system documents, an individual should, where possible, be monitored via transcripts or video monitoring once per accreditation cycle by an individual authorized in that technology/component/parameter (technical evaluation).
 - d. To ensure testimony is monitored regularly for the laboratory as a whole, at least one technical evaluation will be completed annually in each component/parameter included on the laboratory's scope of accreditation, when possible.
3. Responsibilities for Court Testimony Evaluation
 - a. It is the responsibility of the subpoenaed individual to ensure they are evaluated annually, in some capacity and to communicate to the DNA Technical Leader when they will be providing testimony, to facilitate the completion of any required technical evaluations.



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- b. It is the responsibility of the DNA Technical Leader to ensure that the required technical evaluations are completed annually and within the accreditation cycle, as listed in the section above.
4. Documentation of the evaluation will be kept in the Testimony Review folder of the Shared Drive.
5. Any deficiencies and/or resulting corrective actions will be documented according to ADM-109 Corrective and Preventative Action Reports document.

4. References

N/A

5. Definitions

N/A