

Procedure for Ensuring the Quality of Test Results

1.0 Purpose - To describe monitoring activities in the State Crime Laboratory (Laboratory) Quality System.

2.0 Scope – This procedure is applicable to all Laboratory personnel.

3.0 Definitions

- **External Proficiency Test** – A test prepared by, provided by, and reported to a source outside the laboratory.
- **Internal Proficiency Test** – A test produced by the Laboratory in which the expected results are unknown to the Forensic Scientist.
- **Proficiency Test file** – All documentation related to a proficiency test, either in paper or electronic format.
- **Quality Assurance** – An integrated system of management activities involving planning, assessing, reporting, and implementing quality improvements to ensure that a process or service is 1) of the type and quality needed and expected by the client and 2) in conformity with accreditation standards and norms of the scientific community.
- **Re-examination of evidence** - A form of testing in which a second Forensic Scientist tests the evidence without knowledge of the original test results.

4.0 Procedure

4.1 Internal Case Quality Assurance

4.1.1 Quality control (QC) measures shall be used to evaluate accuracy, precision, and contamination in case analysis. QC may include, but is not limited to, the following:

- Certified reference materials and internally generated reference materials.
- Reference collections.
- Statistical tables.
- Positive and negative controls.
- Control charts.
- Alternative methods.
- Inter-laboratory comparison or proficiency-testing programs.
- Replicate testing using the same or different methods.
- Retesting of reference materials.
- Correlation of results from tests conducted for different characteristics of an item of evidence.

4.1.2 The use of QC samples shall be described in Section technical procedures.

4.2 Technical and Administrative Review

4.2.1 The technical and administrative review of forensic case files shall be conducted as provided in the Procedure for Reviewing Laboratory Reports.

4.2.2 The technical and administrative review of IBIS or Convicted Offender DNA Sample Analysis shall be conducted as provided in Section technical procedures.

4.3 Testimony Monitoring

- 4.3.1** Monitoring and evaluating testimony are necessary to ensure that the testimony is accurate, understandable, and scientifically sound. Testimony monitoring also gauges whether the employee has displayed a demeanor and professional appearance consistent with all applicable policies and procedures of the North Carolina State Bureau of Investigation and the Laboratory.
- 4.3.2** The testimony of an employee shall be evaluated at least once annually according to the procedures herein. The evaluation shall be documented on an Expert Testimony Evaluation Form (Internal) or Expert Testimony Evaluation Form (External). The Expert Testimony Evaluation Form (Internal) shall be used by representatives of the Laboratory and the Expert Testimony Evaluation Form (External) shall be used by representatives of the legal system.
- 4.3.2.1** Individuals authorized to monitor and evaluate testimony include Legal Counsel, Senior Forensic Scientists or employees assigned to the Laboratory, and any District Attorney, Assistant District Attorney, Defense Attorney, or Judge who observes the testimony of the employee. For the purpose of this section, a senior Forensic Scientist or employee is defined as an individual who has been employed with the Laboratory for five or more years.
- 4.3.2.2** Each time an employee testifies in court, an Expert Testimony Evaluation Form (External) shall be presented to the District Attorney, Defense Attorney, and Judge. If the defendant is self-represented, the analyst shall provide the evaluation form to the pro se defendant.
- 4.3.3** In addition, testimony of employees is required to be monitored and evaluated by authorized Lab employees using an Expert Testimony Evaluation Form (Internal) as follows:
- 4.3.3.1** The testimony of all employees testifying for the first time in a forensic science discipline, including an experienced Forensic Scientist testifying in a new discipline for the first time (unless there is no authorized Laboratory employee available to accompany the analyst to court).
- 4.3.3.2** New Forensic Scientists and employees - at least once annually for the first three years after becoming qualified. This does not apply to an experienced Forensic Scientist testifying in a new discipline.
- 4.3.3.3** All other employees and examiners - at least once every two years.
- 4.3.3.4** Individuals authorized to monitor and evaluate testimony on an Expert Testimony Evaluation Form (Internal) include the following with knowledge of the discipline: Crime Laboratory Director (Lab Director), Deputy Assistant Director, Forensic Scientist Manager/Forensic Scientist Supervisor of any Laboratory Section, and Senior Forensic Scientists.
- 4.3.3.5** The monitoring and evaluating of testimony by management may serve as the only annual courtroom testimony evaluation.
- 4.3.4** Each completed Expert Testimony Evaluation Form with positive feedback shall be routed to the Forensic Scientist Manager or designee for review of the comments with the employee. After

receiving feedback on the court testimony, the employee shall initial the Expert Testimony Evaluation Form as acknowledgement.

- 4.3.5** Each completed Expert Testimony Evaluation Form with negative feedback shall be routed to the Deputy Assistant Director/QM. The Deputy Assistant Director/QM shall determine if the negative feedback constitutes the initiation of a QAR. If a QAR is initiated, the Deputy Assistant Director/QM shall forward the QAR to Laboratory Legal Counsel for review and completion of Section V. Upon completion, the QAR and the Expert Testimony Evaluation Form shall be forwarded to the Forensic Scientist Manager or designee for review with the employee. After receiving feedback on the court testimony, the employee shall initial the Expert Testimony Evaluation Form as acknowledgement.
- 4.3.6** After feedback has occurred, the Expert Testimony Evaluation Form or a scanned electronic version shall be forwarded to the Quality Control Officer (QCO) of the Laboratory. All Expert Testimony Evaluation Forms shall be converted to electronic format and entered into a database. Each Forensic Scientist Manager shall maintain these records according to the Record Retention Schedule as set forth by the North Carolina Department of Cultural Resources.
- 4.3.7** If an employee does not testify in a given year, the Forensic Scientist Manager or Supervisor shall document this in a memo to the Deputy Assistant Director/QM by January 31st of the following year. This memo shall be maintained in the same manner as the Expert Testimony Evaluation Forms.
- 4.3.8** If an employee testifies during the year but no Expert Testimony Evaluation Form (External) is received, attorneys of record and/or presiding judge shall be contacted by the employee and/or the Section Forensic Scientist Manager in order to obtain a completed form.

4.4 Proficiency Testing

- 4.4.1** Each Forensic Scientist or technician who conducts forensic casework shall successfully complete at least one proficiency test each year in each discipline in which casework is performed. In addition, Forensic Scientists who perform forensic testing on casework in multiple sub-disciplines shall successfully complete at least one proficiency test during each four year accreditation cycle, in each category of testing appearing on the Laboratory's Scope of Accreditation, in which the Forensic Scientist or technician performs testing.
- 4.4.2** The Laboratory shall participate in external, open proficiency test programs purchased from vendors approved by the accrediting body in each area of expertise where such tests are available. If there is no approved test provider, the laboratory shall locate and use a source of an external proficiency test in the discipline. All external proficiency tests shall be purchased and distributed to the various laboratory sections by the QCO.
- 4.4.3** Sections may also manufacture internal proficiency tests for trained Forensic Scientists and shall notify the QCO of the administration of such tests. Internal proficiency test procedures may include, but are not limited to, simulated cases and known standard techniques. Both external agency samples and intra-laboratory test samples may be used.
- 4.4.4** Proficiency tests shall be treated like case work and follow approved technical procedures.

4.4.5 The proficiency test file shall contain all the documentation that case files contain and notes shall be on approved forms. The files shall contain a copy of the test results returned to the vendor, or in the case of internal proficiency tests, the report submitted for grading.

4.4.5.1 Documentation for each proficiency test shall include at least the following:

- Test identifier.
- Method by which samples were obtained or created.
- Identity of the person taking the test.
- Date of analysis and completion.
- Originals or copies of all data and notes supporting the conclusions.
- Test results.
- Discrepancies noted.
- Documentation of review and feedback to the Forensic Scientist.
- Details of corrective action, if necessary.

4.4.6 Proficiency tests shall undergo a technical review; however, all work and reviews shall be independent. The name of each person completing a test (or any portion of the test) and/or reviewing the results shall be documented and each person shall be responsible for the accuracy of the results. If several Forensic Scientists are taking identical tests simultaneously, the Forensic Scientist Manager shall collect all independent tests as they are completed and distribute them for peer review.

4.4.7 For all proficiency tests, the following steps shall be followed when the Forensic Scientist has completed the test and any reviews have been conducted:

4.4.7.1 The original proficiency test file shall be returned to the Forensic Scientist Manager or designee. The test results shall be sent to the vendor on, or prior to, the due date for it to be a valid external test.

4.4.7.2 When proficiency test results are received from the vendor, the QCO shall forward this material to the Forensic Scientist Manager. The Forensic Scientist Manager or designee shall then review the performance of the Forensic Scientist, provide feedback to the Forensic Scientist taking the test and to the reviewer(s) and document this review on a proficiency test grading report form. The completed proficiency test file, including the review forms and the test answers, shall be forwarded to the QCO within thirty days.

4.4.7.3 Upon receipt of the documentation, the QCO shall review the file to ensure complete documentation is present and make entries in the proficiency database records. If the test is internal in nature, the Forensic Scientist Manager or designee shall have graded the test prior to sending it to the QCO. Proficiency tests shall be returned to the Forensic Scientist Manager for storage in Section records.

4.4.7.4 Test records shall be stored within the Section indefinitely.

4.5 Corrective Action

Any deficiencies, discrepancies, or errors shall be handled as provided in the Procedure for Corrective Action and Non-conformities.

4.6 Monitoring of the Proficiency Test Program

The QCO shall monitor the status of the proficiency testing program. An annual status report of the proficiency testing program shall be prepared by the QCO in conjunction with the Annual Laboratory Quality System Review as provided in the Procedure for Conducting Audits and Management Reviews.

4.7 Re-examination of Casework

4.7.1 Forensic cases shall not normally be re-worked; however, upon approval by the Lab Director or pursuant to a court order, the case may be re-worked by another qualified Forensic Scientist. The Forensic Scientist shall not review the final report or discuss the results with the original Forensic Scientist prior to the re-examination.

4.7.2 Once the re-examination is complete, the Forensic Scientist Manager or designee shall compare the reported results of the two examinations. The results of this re-examination shall be documented in Section proficiency files and a copy provided to the QCO. Complete administrative and examination documentation for both the original and the re-examination shall be placed in the original FA case file and any additional file that may be created. The Forensic Scientist Manager shall report any discrepancy immediately to the Deputy Assistant Director/QM, Lab Director, and Lab Legal Counsel for action.

5.0 Records

- Laboratory and Section Court Testimony Evaluation records
- Proficiency Test Evaluation form
- Laboratory and Section Proficiency Test records
- Case Re-examination records

6.0 Attachments – N/A

Revision History		
Effective Date	Version Number	Reason
09/17/2012	1	Original Document
10/26/2012	2	4.3.2 – removed repeated word; 4.3.3.2 and 4.3.3.3 - colon to dash; 4.4.7.2 – removed Appendix C reference
12/07/2012	3	4.4.7.1 - added “on or” prior to the due date. 4.4.1 - changed to correspond with ISO/ASCLD criteria.
05/10/2013	4	4.4.1 - changed 5 year accreditation cycle to 4 year
10/31/2013	5	Added issuing authority to header; 4.3 – removed references to SBI-20 and SBI-20A and clarified with internal and external
01/24/2014	6	4.3.3.1 - added clarification for situation when there is no authorized Lab employee available