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| SUBJECT: LABORATORY COURT APPEARANCES |
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MONITORING OF COURT TESTIMONY

The testimony of each Agent or employee who testifies must be evaluated at least once during each Work Performance Evaluation Period (May 1 - April 30).

The monitoring and evaluation of testimony is necessary to ensure that the testimony of each Agent is scientifically consistent with the findings documented in the case file, and that the Agent or employee has displayed a demeanor and professional appearance consistent with all applicable policies, all applicable procedures, and the values of the North Carolina State Bureau Of Investigation.

INDIVIDUALS AUTHORIZED TO MONITOR AND EVALUATE TESTIMONY

Individuals authorized to monitor and evaluate testimony include the following:

1. Assistant Director of Crime Laboratory Services; or,
2. Special Agent in Charge of any SBI Crime Laboratory Services Division Section; or,
3. SBI Legal Counsel; or,
4. Any Senior Agent assigned to the SBI Crime Laboratory Services Division; or,
5. Any District Attorney, Assistant District Attorney, Defense Attorney, or Judge who observes the testimony of the Agent or employee.

Note: For the purpose of this procedure, a Senior Agent is defined as any Agent who has been conducting independent analysis for five or more years.

Any of the above individuals or the Chief Evidence Technician may monitor and evaluate the testimony of an SBI Evidence Technician.

The testimony of all Agents or employees testifying for the first time in a forensic science discipline must be monitored by either the respective Special Agent in Charge, Supervisor, or Section Training Coordinator. This would include a Senior Agent testifying in a new discipline for the first time.

MONITORING AND EVALUATION MUST BE PROPERLY DOCUMENTED

When the testimony is monitored and evaluated by an authorized individual, the evaluation must be documented on form SBI-20 / SBI Expert Testimony Evaluation.

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The Agent or employee being evaluated is responsible for ensuring that the name of the individual completing the evaluation is legibly included on the evaluation form.

FEEDBACK TO THE ANALYST/EXAMINER/TECHNICIAN IS REQUIRED

Each completed SBI-20 shall be first routed to the appropriate Special Agent In Charge or Supervisor, who will be responsible for ensuring that the evaluation has been reviewed with the Agent or employee evaluated.

In the event testimony is evaluated by a District Attorney, Assistant District Attorney, Defense Attorney, or Judge, the Agent or employee requesting the evaluation will supply an SBI-20 and a return envelope pre-addressed to the appropriate Special Agent In Charge or Supervisor, or provide an appropriate fax number.

Once the Special Agent In Charge or Supervisor is in receipt of the completed form SBI-20, he/she will either conduct a review with the appropriate Agent or employee - or confirm that a review was conducted by the authorized individual completing form SBI-20.

After receiving feedback on the court testimony, the Agent or employee being evaluated will initial the lower left corner of the form SBI-20 to acknowledge feedback was provided.

ROUTING AND MAINTENANCE OF FORM SBI-20

After ensuring a feedback session has occurred, the original form SBI-20 will be forwarded to the Assistant Director of Crime Laboratory Services. For forms received by fax machine, the page received from the fax machine will be considered the original.

All original, completed SBI Expert Testimony Evaluation forms will be maintained by the Laboratory Quality Manager for a minimum of five years from the date of completion - or until reviewed during an ASCLD-LAB Inspection.

Each Special Agent In Charge and Supervisor will maintain copies of completed SBI Expert Testimony Evaluation forms for a minimum of five years from the date of completion - or until the original file has been reviewed during an ASCLD-LAB Inspection.

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COURT COORDINATION

The SBI Crime Laboratory shall maintain a Court Calendar Coordinator **in each laboratory** to coordinate all laboratory subpoenas.

The Court Calendar Coordinator shall be assigned to the Laboratory Evidence Control and Administrative Services Section in the Raleigh Laboratory and shall be the secretary in the Western Regional Laboratory. The responsibilities of the Court Calendar Coordinators shall be:

- A. To receive and calendar all subpoenas for all laboratory personnel.
- B. To prioritize subpoenas for each Agent or employee according to the dates the subpoenas are received.
- C. To notify District Attorneys' offices of conflicts with subpoenas previously received.
- D. To communicate with District Attorneys' offices concerning the status of subpoenas and anticipated court appearances for all laboratory personnel.
- E. To maintain a calendar of court schedules and other scheduled activities for all laboratory personnel and to maintain the calendar in a place accessible to all personnel during regular working hours.
- F. To notify laboratory personnel when they are needed for court as quickly as their need for appearance has been established.
- G. To send a copy of the court calendar for the upcoming week to each Special Agent In Charge or Supervisor no later than Friday of each week.
- H. To provide Agents or employees with the documents needed for court, including up to date LIMS Chain of Custody and Phone Log records.

It shall be the responsibility of all laboratory personnel:

- A. To refer all subpoenas received to the Court Calendar

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Coordinator for calendaring.

- B. To refer all calls concerning court appearances to the Court Calendar Coordinator
- C. To ensure that the Coordinator has been in contact with the District Attorney's office prior to proceeding to court on a subpoena.
- D. To ensure subpoenas on the calendar have been cleared prior to taking leave or leaving town for other Bureau assignments.

PAGERS (Raleigh Laboratory)

A limited number of personal state-wide pagers will be maintained by the Court Coordinator (in the Raleigh Laboratory) for temporary issuance to laboratory Agents and employees traveling to and from court appearances.

1. Unless the Agent or employee has a section assigned pager, or all available pagers have been issued, all Agents and employees dispatched to court will be assigned a pager by the Court Coordinator. Whether wearing a section assigned pager, or one assigned by the Court Coordinator, the Agent or employee will be responsible for:
 - Maintaining the pager on their person in an on mode during all on-duty hours.
 - Ensuring that the pager is activated in the vibrate mode while in the courtroom.
 - Responding to any page from the Court Coordinator's office within 20 minutes of the receipt of a page - by calling the Court Coordinator's office.
 - (Unless using a section pager) Promptly returning the pager to the Court Coordinator's office upon returning to the laboratory.
2. In the event that more than one Agent or employee are traveling together in the same vehicle to the same location, only one pager may be assigned. The responsibility for informing the Court Coordinator of this situation rests with the Agents or employees dispatched to court.
3. Each Special Agent in Charge and supervisor will provide the Court Coordinator with a list of all permanently

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assigned pagers within their section. There will be no need for Agents or employees with permanently assigned pagers to advise the Court Coordinator of the pager number prior to departure for court.

In the event the Agent or employee has a section assigned pager on a temporary basis, the Agent or employee is responsible for informing the Court Coordinator of the telephone number of the section assigned pager prior to each departure for court.

4. For all traffic related to court activities, the responsibility for communicating with an Agent or employee dispatched to court rests with the Court Coordinator - regardless of what pager the Agent or employee is wearing.
5. For routine traffic related to non-court activities, the responsibility for communicating with an Agent or employee rests with the respective section.
6. No page may be ignored. If paged at a time when returning the call within 20 minutes is impossible (e.g., on the witness stand), the Agent or employee will respond to the page at the earliest possible moment and explain the delay in contact.

TWO-WAY RADIOS (Court related travel)

1. Two-way radios will be maintained in the on mode, on the appropriate channel for the area of travel, and at a sufficient volume to be readily heard during all periods of travel.
2. Laboratory supervisory personnel are responsible for ensuring that all Agents, appropriate Technicians, and other appropriate personnel are adequately trained in the operation of two-way radios installed in Bureau vehicles.
3. All radio transmissions will be promptly acknowledged.