

## 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 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** 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** All other employees and Forensic Scientists shall be evaluated at least once annually.
- 4.3.3.3** Individuals authorized to monitor and evaluate testimony on an Expert Testimony Evaluation Form (Internal) include the following with training in the discipline: Crime Laboratory Director (Lab Director), Assistant Director, Deputy Assistant Director, Forensic Scientist Manager/Forensic Scientist Supervisor of any Laboratory Section, Authorized Technical Reviewers for the discipline, and Senior Technicians. For the purpose of this section, a senior Technician is defined as an individual who has been employed with the Laboratory for five or more years.
- 4.3.3.4** The monitoring and evaluating of testimony by management may serve as the only annual courtroom testimony evaluation.
- 4.3.3.5** The Expert Testimony Evaluation Form (Internal) shall be reviewed by the employee and employee's supervisor.
- 4.3.4** Each completed Expert Testimony Evaluation Form shall be routed to the Quality Manager (QM) for review. Expert Testimony Evaluation Forms with positive feedback shall be reviewed and documented during the Performance Assessments conducted with the North Carolina Valuing Individual Performance (NC VIP) program.
- 4.3.5** Each completed Expert Testimony Evaluation Form with negative feedback shall be routed to the Laboratory Legal Counsel to contact the evaluator for further information. The QM shall determine if the negative feedback constitutes a valid complaint. If the feedback is deemed to be a

valid complaint, the Procedure for Complaints shall be followed. 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** All Expert Testimony Evaluation Forms (or a scanned electronic version) shall be forwarded to the QM of the Laboratory. All Expert Testimony Evaluation Forms shall be converted to electronic format and entered into a database. These records shall be maintained 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 QM by January 31 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. The Forensic Scientist Manager of each Section shall maintain a proficiency test schedule for sub-discipline proficiency tests. Each Forensic Scientist shall take a minimum of two sub-discipline proficiency tests (one of which must be in the primary sub-discipline) each year.

**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 QM.

**4.4.3** Sections may also manufacture internal proficiency tests for trained Forensic Scientists and shall notify the QM 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 shall be performed to the full extent in which the scientist is qualified to participate. Scientists shall follow approved technical procedures. All proficiency tests shall be reviewed technically and administratively prior to submitting the results to the proficiency test provider. Once proficiency test results are returned from the proficiency test provider, a memorandum shall be issued by the DNA Technical Leader of the Forensic Biology Section or the DNA Database section, as applicable, signifying participation in the review process for those scientists authorized to perform only technical reviews.

**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.
- Laboratory file number.
- 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 stored in Forensic Advantage (FA) or 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 QM 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 Review Form. The completed proficiency test file, including the review forms and the test answers, shall be forwarded to the QM within thirty days.

**4.4.7.3** Upon receipt of the documentation, the QM 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 QM. Proficiency tests shall be returned to the Forensic Scientist Manager for storage. After QM review, the Proficiency Test Review Form shall be imported into the Case Record Object Repository in FA.

**4.4.7.4** Test records shall be stored indefinitely within the Section or FA.

## **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 QM shall monitor the status of the proficiency testing program. An annual status report of the proficiency testing program shall be prepared by the QM 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 QM. 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 QM, Assistant Director of Technical Operations, and Lab Legal Counsel for action.

#### **5.0 Records**

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

#### **6.0 Attachments – N/A**

<b>Revision History</b>		
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
08/29/2014	7	4.4.4 – added that proficiency tests shall be reviewed prior to submission
12/19/2014	8	Throughout document: Clarified roles of Assistant Director of Technical Operations and QM. Removed QCO responsibilities; 4.3.1 - removed SBI; 4.3.4 - changed review of Court Evaluations with positive feedback to semiannually during Performance Assessment; 4.4.5.1 - added Laboratory File Number; 4.4.7 - allowed proficiency test records to be stored in FA
02/27/2015	9	4.3.3.4 - added Technician and Assistant Director; 4.3.5 – updated Deputy Assistant Director/QM to QM; 4.3.6 – removed Forensic Scientist Manager responsibility for maintaining testimony evaluation forms
10/19/2015	10	4.3.4 – updated for NC VIP; 4.4.7.2 and Records – updated with Proficiency Test Review Form
03/09/2016	11	4.4.7.3 – added requirement to place Proficiency Test Review Form in FA object repository
07/01/2016	12	4.4.4 – updated for scientist that only perform reviews in Forensic Biology and DNA Database.
04/28/2017	13	4.3.3 – updated to require internal evaluation annually and those that may perform the review; 4.3.5 – updated with reference to Procedure for Complaints