

NYC – OFFICE OF CHIEF MEDICAL EXAMINER Forensic Anthropology – Quality Manual		Page: 1 of 2
Title: Expert Witness Testimony	Control No. QM-010	Revision: 1
Approved by: Forensic Anthropology Director		Effective Date 7 July 2023

1. Policy

To ensure that witness testimonies accurately convey the reported findings and are presented in a clear and professional manner, the testimony of each testifying FAU analyst shall be monitored.

2. Scope

The policies and procedures present in this document apply to all FAU personnel.

3. Testimony Request

An FAU analyst may be summoned to testify by telephone, email, or subpoena.

3.1 Testimony requests shall be recorded on a FAU Expert Witness Activity form. The following information should be included on the Expert Witness Activity form:

- Case number
- Name of the anthropologist(s) being requested to testify
- Date of testimony/meeting
- Point of contact and title
- Contact information
- Name of defendant
- Indictment number
- Location of appearance/meeting
- Type of case
- How the anthropologist was summoned (telephone, email, subpoena)
- Type of testimony (pretrial conference, deposition, grand jury, or trial)
- Number of hours of testimony

4. Documenting Court Attendance and Pre-trial Meetings

The FAU Expert Witness Testimony form shall be used to document court testimony as well as any pre-trial meetings with prosecution or defense. A Expert Witness Activity form should be completed for each testimony/meeting with counsel so that all activities performed by the FAU are thoroughly documented. All completed Expert Witness Activity forms shall be added to the respective case files.

5. Testimony Monitoring

Forensic anthropology testimony shall be monitored by a competency tested member of the FAU.

5.1 **Monitoring type:** Testimony can be monitored by either direct courtroom observation (preferred method) or by reviewing the testimony transcript.

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5.1.1 **Direct courtroom observation:** The preferred method for monitoring FAU analyst testimony is through direct observation (in-person or remote).

5.1.2 **Evaluation of testimony transcripts:** If direct observation of courtroom testimony is not possible, then the transcript of the testimony can be used to evaluate the FAU analyst's testimony performance.

5.1.3 **Requesting a copy of courtroom testimony:** Contact the assigned ADA or appropriate point of contact to request a copy of the courtroom testimony.

6. Documenting Monitoring Activities

The designated monitor is responsible for completing the Expert Witness Testimony Evaluation form and should provide the testifying analyst with constructive feedback. The monitor shall indicate on the form whether they directly observed courtroom testimony or evaluated testimony transcripts.

6.1 The designated monitor shall evaluate the testifying analysts:

- Ability to convey scientific concepts.
- Ability to convey reported findings/conclusions.
- Ability to utilize case notes or exemplars during testimony.
- Poise and demeanor during direct examination.
- Poise and demeanor during cross examination.
- Professionalism and overall impression as witness.
- Overall Rating.

6.1.1 If the monitor is reviewing the transcript of the testimony, certain portions of the FAU Expert Witness Testimony Evaluation form can be marked "not applicable".

6.2 Completed Expert Witness Testimony Evaluation forms shall be kept in the testifying FAU analyst's personnel binder.

5. Revision History

REV.	DATE	SUMMARY OF CHANGES
0	12 April 2023	New document.
1	7 July 2023	The Court Testimony form was renamed "Expert Witness Activity" form. All references to this document were updated.