



## B118 Implementing a Testimony Transcript Review Process

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**Learning Overview:** After attending this presentation, attendees will have gained insight into how to implement a testimony transcript review program. Attendees will learn how the program was developed, how transcripts are received and evaluated, and how information obtained from the evaluation process is used to drive improvements within the laboratory.

**Impact on the Forensic Science Community:** The presentation will impact the forensic science community by providing an example of how the Houston Forensic Science Center (HFSC) developed and implemented a robust testimony transcript review program. This presentation will provide information on how reviews of testimony transcripts provide an additional means of monitoring employee performance and improving courtroom testimony by identifying opportunities for improvement.

HFSC implemented its transcript review program in March of 2018. The concept for the program grew out of a desire to improve HFSC's testimony monitoring program by providing feedback from different perspectives and to create a blind testimony monitoring program. HFSC's objective for the program is to identify opportunities for improvement and to ensure that testimony by HFSC forensic practitioners is provided to our criminal justice system in a clear, concise, and accurate manner.

HFSC management met with the Harris County District Attorney's Office and the Harris County Public Defender's Office to develop a process for obtaining transcripts for cases sent to the appellate court. The process for reviewing transcripts involves forming a three-person committee comprised of a lay person with no or limited knowledge of the forensic science, a technical expert, and a member of the Quality Division. Each committee member reviews the transcript independently. The committee then meets to review everyone's comments and select the comments they feel will provide the greatest benefit to the forensic practitioner's development as an expert witness. The committee submits a final consensus-based evaluation to the Quality Division. After a final review by the Quality Division, the evaluation is provided to section management or the technical expert for discussion with the forensic practitioner.

Since its initial conception, several improvements to the program have been implemented. The program has been made blind to the committee members by redacting all identifying information from transcripts prior to the committee's review. Another change was to require the forensic practitioner who testified to complete a self-evaluation prior to the transcript being sent to the committee. This evaluation is not provided to the committee prior to their review. Forms used to document the evaluations have been updated over the past two years to allow committee members to better assess the testimony and document opportunities for improvement. Lastly, the program team now includes the legal counsel, who helps identify cases where a forensic practitioner testified, and the case was subsequently appealed.

Within the first two years of implementing the program, two opportunities for improvement were identified. The first was the need to provide training regarding qualifying questions. HFSC presents a unique challenge to staff because it is a local government corporation. HFSC also operates in Texas, which requires forensic laboratories with Firearms, Forensic Biology, Toxicology, and Seized Drugs sections to be accredited by the Texas Forensic Science Commission (TFSC). Additionally, forensic practitioners in those sections are required to be licensed by TFSC. The second opportunity for improvement was ensuring staff understand the difference between expert testimony and lay testimony. These areas of improvement were addressed through training provided to all forensic practitioners. One training session focused on qualifying questions, and another focused on recognizing the difference between expert and lay testimony.

One limitation of the program is that some staff at HFSC do not have many opportunities to testify in court. This has been especially true of 2020, when the Harris County Court system shut down because of the COVID-19 pandemic. Review of future transcripts will provide HFSC with the ability to evaluate the effectiveness of the training provided in response to the program.

HFSC's process for transcript reviews was successfully implemented and improved during the first two years of operation. The program has also led to the identification of opportunities for improvements regarding courtroom testimony. The transcript review program provides a broader perspective for monitoring courtroom testimony that helps to ensure forensic practitioners continue to communicate effectively while testifying in courts of law.

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### Testimony Transcript Review, Blind Transcript Review, Monitoring Testimony