

FORENSIC BIOLOGY TRAINING MANUAL

2. TRAINING PROGRAM GUIDELINES

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A. Theoretical background

In addition to requiring a minimum educational background for the job title(s), the Department provides additional theoretical background necessary for trainees to understand the scientific basis behind each analytical test. The training program also includes instruction in general topic areas such as ethics, general forensic science, quality assurance/quality control, and basics of the legal system. This training takes place over a number of weeks through the required lectures and reading assignments. Most lectures are also available as computer presentations maintained in the departmental directory.

Each member of the scientific staff has access to literature references and reference books maintained by the department including methods manuals used in the laboratory which contain reference bibliographies for the scientific procedures. Publications pertaining to in-house methods are given to each trainee in the form of an online Reference Articles. Additionally, OCME professional staff has library and Internet privileges at the neighboring New York University Medical School library.

B. Practical experience

Each analyst will be trained to perform the analytical procedures that are appropriate to the job title and specific work assignment. Practical training may include up to three phases: the trainee observes the procedure being performed; the trainee uses practice specimens to demonstrate the procedure to the trainer; and the trainee uses practice specimens to perform the procedure independently. It may be necessary for a trainee to demonstrate a procedure multiple times until a trainer determines that the trainee can perform the procedure independently. Practical training for procedures currently in use that have been updated or revised may or may not require all three training phases.

Analysts with previous experience, either from another accredited laboratory or previous OCME training, at the discretion of the Training Supervisor, Assistant Director, Technical Leader, and/or Director may have their practical training modified. This modification will be documented in the training folder.

C. Competency testing

At the conclusion of the practical training in any particular analytical procedure, the trainee is expected to successfully complete a competency test using that procedure. In general, a competency test is prepared in-house with the key to the results being supplied to the supervisor, Assistant Director, Technical Leader, and/or Director. Successful

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completion of each module is documented on the competency tracking sheet or via a certificate of completion issued by the Training Group.

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D. Written assignments and oral examination

New scientific staff must take and pass the written assignment for each module they are trained in. The written assignment is reviewed and graded by the Technical Leader, training supervisor or designee.

New scientific staff, Criminalist II's and above must take and pass an oral examination covering several areas of DNA theory and analysis. The oral examination is attended by the trainee's direct supervisor and the test administrator. Each Criminalist has a maximum of two attempts to pass the full examination. The determination of whether or not a Criminalist passes the examination is at the discretion of the examination committee. At the examination committee's discretion, the Criminalist shall have up to two attempts to remediate each full examination. The committee is not obligated to grant any remediation.

If a Criminalist has not passed the full oral examination after two attempts, the Criminalist may be subject to demotion or termination.

In addition to the basic DNA oral examination, mtDNA interpreting analysts are required to take and pass a mtDNA oral exam covering mtDNA theory and methods.

E. Court preparation

An important part of training is learning to present scientific information in court. There are several ways for trainees to prepare for court and public speaking: observing the testimony of laboratory personnel at court, attending pre-trial conferences, and testimony training. Before testifying in court or grand jury, Criminalist II's and above must successfully complete an internal courtroom testimony training module. The purpose of the courtroom testimony training module is to give the analyst an introduction to the courtroom process as well as practical testimony experience prior to actual testimony in a trial or grand jury. It is also a mechanism for the supervisory staff to identify and correct any problems the analyst may have in his/her knowledge or ability to communicate effectively.

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Moot/Mock court training consists of practice testimony covering all areas of testimony including qualifications, voir dire, and direct and cross examination using case examples. The Criminalist practices giving testimony in those areas prior to being tested in a mock court with the training group. Minimally, two moot/mock courts are required. The first, early in training, is a serology mock court; this covers the initial forensic biology training topics. Serology moot/mock court is conducted by the training group. The second, no more than two weeks after an analyst has completed training, is a DNA moot/mock court. The DNA moot/mock court covers all forensic biology training topics.

The Criminalist's testimony is evaluated by a jury comprised of qualified scientific staff (DNA interpreting analysts with at least one trial testimony or training staff). Checklists are used to structure the evaluation of the trainee's performance in each mock court. After the moot/mock court, constructive criticism of the trainee's testimony is given, and, if needed, specific suggestions for improvement are provided. A pass/fail determination for the serology moot/mock court is made by the training group. For the DNA moot/mock court an average grade of 70% or greater must be achieved by the Criminalist in order to pass. Grades should be provided in writing to the analyst within at least two business days after the moot/mock court. An analyst, who does not achieve an initial passing grade, must complete and pass a second moot/mock court within one month.

If a Criminalist has not passed the DNA moot/mock court after two attempts, the Criminalist may be subject to demotion or termination. Successful completion of the moot/mock courts must be documented in the training record.

Analysts who train in specialized DNA techniques such as mitochondrial DNA testing and high-sensitivity DNA testing may be required to pass an additional moot/mock court covering the specific topic area.

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F. Continuing and Supplemental Training

Analysts are trained in new procedures as they are added and as their job duties change. Supplemental training may include a lecture covering the theoretical and practical aspects of the new procedure; a reading list selected from the scientific literature and full (three-step) or modified (two-step) practical training. The modified (two-step method) does not require the independent practice of the analytical procedure. The modified (two step method) training is used when procedures have been updated or revised.

Once the analyst has successfully completed the observed practice, they are given a competency test. An analyst must pass the competency test prior to performing the procedure on casework. Successful completion of each module is documented on the competency tracking sheet or via a certificate of completion issued by the Training Group.

The specific requirements of continuing and supplemental training for each procedure are determined by the appropriate Technical Leader or training supervisor. When a new procedure or technique is established in the Laboratory, a training module is added or updated in the Training Manual appendix.

G. Retraining

Retraining can be the result of requests from supervisors or analysts or in response to a proficiency test or casework corrective action.

The retraining program initiated at the request of an analyst or supervisor will be determined by the Training coordinator and can involve additional observations, practices or competency tests depending on the needs of the analyst.

If it is determined by the Quality Assurance Manager and/or a Technical Leader that a deficiency in proficiency testing or casework is the result of analyst's lack of understanding of the methods, procedures, and/or protocols used by the laboratory, the analyst will be prohibited from performing the test in casework until he/she has been re-trained, and a new competency test has been successfully completed. In these cases, all re-training must be performed in accordance with the general and specific training guidelines specified in the Forensic Biology Training Manual.

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H. Continuing Education

Continuing education is an educational activity that is offered by a recognized individual or organization that brings participants up-to-date in their relevant area of knowledge. Analysts are provided the opportunity to obtain continuing education through attendance at scientific meetings and seminars both onsite at the Department of Forensic Biology and offsite.

Each analyst's earned Continuing Education hours are documented and maintained by the Training Group.

Every Forensic Biology employee is required to attend an annual review of the *ASCLD/LAB Guiding Principles of Professional Responsibility for Crime Laboratories and Forensic Scientists*.

Documentation of content and attendance at appropriate continuing education activities is provided by sign-in sheets, certificates of attendance, program agenda/lecture title, travel authorization, resume/publication/other documentation of the credentials of the presenter(s), and other means, depending on the type of event.

Records are maintained by the Training Group for at least one ASCLD/LAB cycle of accreditation or 4 years, whichever is greater.

I. Review of Current Literature

The Forensic Biology Assistant Director assigned to Training or designee distributes relevant, scientific articles of interest to staff via e-mail on a regular basis, usually monthly. These articles are stored by the Training Group on the Forensic Biology server. Analysts are also encouraged to read other scientific articles of interest.

Analysts document their reading of the distributed articles and/or other scientific literature via a record distributed quarterly by the Training Group.

Records are maintained by the Training Group for at least one ASCLD/LAB cycle of accreditation or 5 years, whichever is greater.