

Region 4
U.S. Environmental Protection Agency
Science and Ecosystem Support Division
Athens, Georgia

OPERATING PROCEDURE

Title: Testimony Evaluation

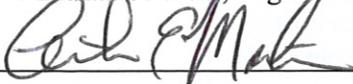
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Authors

Name: Art Masters

Title: Environmental Scientist, Regional Expert

Signature: 

Date: 7/2/14

Approvals

Name: John Deatrick

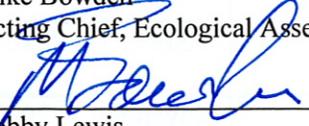
Title: Acting Chief, Enforcement and Investigations Branch

Signature: 

Date: 7/2/14

Name: Mike Bowden

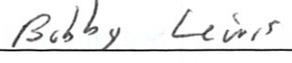
Title: Acting Chief, Ecological Assessment Branch

Signature: 

Date: 7/2/14

Name: Bobby Lewis

Title: Field Quality Manager, Science and Ecosystem Support Division

Signature: 

Date: 7/2/14

Revision History

The top row of this table shows the most recent changes to this controlled document. For previous revision history information, archived versions of this document are maintained by the SESD Document Control Coordinator on the SESD local area network (LAN).

History	Effective Date
<p>SESDPROC-018-R3, <i>Testimony Evaluation</i>, replaces SESDPROC-018-R2</p> <p>General: Corrected typographical, grammatical and/or editorial errors.</p> <p>Cover Page: The Enforcement and Investigations Branch Chief was changed from Archie Lee to Acting Chief John Deatruck. The Ecological Assessment Branch Chief was changed from Bill Cosgrove to Acting Chief Mike Bowden. The FQM was changed from Liza Montalvo to Bobby Lewis.</p> <p>Revision History: Changes were made to reflect the current practice of only including the most recent changes in the revision history.</p> <p>Section 1.2: Added: "Mention of trade names or commercial products in this operating procedure does not constitute endorsement or recommendation for use."</p>	<p>July 3, 2014</p>
<p>SESDPROC-018-R2, <i>Testimony Evaluation</i>, replaces SESDPROC-018-R1</p>	<p>October 15, 2010</p>
<p>SESDPROC-018-R1, <i>Testimony Evaluation</i>, replaces SESDPROC-018-R0</p>	<p>November 1, 2007</p>
<p>SESDPROC-018-R0, <i>Testimony Training and Evaluation</i>, Original Issue</p>	<p>September 24, 2007</p>

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1 General Information

1.1 Purpose

This document describes how SESD monitors and evaluates the testimony delivered by its field investigators.

1.2 Scope/Application

This procedure applies to SESD field investigators who present testimony related to their official duties.

A portion of SESD field investigation activities supports the environmental enforcement community through expertise in a variety of environmental forensics applications. This support can cover any aspect of the enforcement process from administrative to civil to criminal and can include testimony in depositions, hearings, and trials. In order to evaluate the effectiveness and reliability of the testimony presented, a monitoring and evaluation system has been developed. Mention of trade names or commercial products in this operating procedure does not constitute endorsement or recommendation for use.

1.3 Documentation/Verification

This procedure was prepared by persons deemed technically competent by SESD management, based on their knowledge, skills and abilities and has been tested in practice and reviewed in print by a subject matter expert. The official copy of this procedure resides on the SESD Local Area Network (LAN). The Document Control Coordinator (DCC) is responsible for ensuring the most recent version of the procedure is placed on the LAN and for maintaining records of review conducted prior to its issuance.

1.4 References

SESD Employee Testimony Evaluation Form, (SESDFORM-020, most recent version)

SESD Testimony Evaluation Review Form, (SESDFORM-021, most recent version)

2 Methodology

2.1 Procedure

The immediate supervisor will request evaluation(s) of an employee's testimony presented at a deposition, hearing, or trial in support of a litigated case. Each employee, who provides testimony, will be evaluated either once a year, or on each occasion if the employee testifies at a lesser frequency.

The immediate supervisor will request a testimony evaluation from a monitor who was present during the employee's testimony. The evaluation will be documented on the SESD Testimony Evaluation Form (SESDFORM-020). Multiple monitors may be requested for each occasion. If possible, to facilitate the evaluation procedure, the evaluation form will be provided to a monitor prior to a testimony. Examples of possible monitors include legal staff from EPA or U.S. Department of Justice, criminal or civil investigators, and technical peers. Areas covered in the evaluation include demeanor and performance under direct testimony and cross-examination, as well as the effectiveness of the presentations (e.g., technical knowledge, ability to convey professional or scientific concepts in understandable terms).

After receipt of the evaluations(s), the immediate supervisor and the employee will review the testimony evaluation(s). The review of each evaluation will be documented on the Testimony Evaluation Review Form (SESDFORM-021). If no evaluation is conducted during the employee's testimony, the supervisor (or their designee) may evaluate the testimony after contact with a monitor or by using a transcript from the proceedings.

If an employee's testimony needs improvement, the supervisor, along with the employee, will develop a plan to address any areas identified as needing improvement, and document the completion of the plan.

2.2 Records

The immediate supervisor (or designee) will maintain records associated with testimony evaluations. Once monitoring is initiated, these records must include:

- Request for evaluation to be conducted by a monitor
- Response from a monitor, if received
- Record of the evaluation (SESDFORM-020), if evaluation was completed
- Review of the evaluation with employee (SESDFORM-021), if an evaluation was completed
- Plan to address areas identified as needing improvement (if required) and a record of completion of the plan.

In January of each year, the Section Chiefs will provide the FQM with a summary record showing who testified in the previous calendar year, case identification information, and whether the testimony was evaluated. If no testimonies were presented in that calendar year, the Section

Chiefs will inform the FQM in writing via electronic transmission or other appropriate correspondence.