

## Testifying

Examiners must be prepared to testify at grand jury or trial about findings during the health care and evidentiary exams and about statements the patient made at the time of examination. Sexual assault forensic examiners who have completed SAFE training that is consistent with the standards established by the New York State Department Health or are NYS DOH-certified Sexual Assault Forensic Examiners will have received training on court testimony.

Often the time delay between when the examiner treats the patient and the time they may be called to testify at trial, as well as the number of patients they will see during that interval, make it very difficult for the examiner to recall the details of any particular case by the time they testify. Therefore, it is necessary to document all findings in detail, and document the patient's statements verbatim regarding the sexual assault.

Although the examiner may be familiar with the court process, and may have testified in a number of other cases, it is still necessary for the examiner to meet with the particular Assistant District Attorney prosecuting the case prior to trial. At this meeting the Assistant District Attorney will, among other things, go over the patient's medical records with the examiner, in order to fully refresh the examiner's memory prior to his or her testifying; show the examiner the physical exhibits that will be shown to them on the witness stand; and, otherwise prepare the examiner for the issues the Assistant District Attorney believes will arise in this particular case during trial. The Assistant District Attorney will also go over both what he or she expects to ask the examiner on the witness stand, as well as what he or she expects the defense attorney may ask.

Because the examiner serves as a witness in the trial or may be asked to present expert testimony, he or she must maintain an objective demeanor, and not appear to the jury to be a victim advocate. It may be helpful for the Rape Crisis Center victim advocate to explain to the patient that she can expect that the examiner will not engage in social conversation at the courthouse.

Traditionally, the successful prosecution of sexual assault cases has been difficult. With advanced techniques to document injuries and identify perpetrators of sexual assault, and examiners who detect and document sexual assault injuries, both patients reporting sexual assault and the public are better served.