TIPS ON TESTIFYING IN SEXUAL ASSAULT CASES

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COURT STANDARDS

- Criminal court requires proof beyond a reasonable doubt to convict a defendant
- Civil court requires a preponderance of the evidence to find the defendant liable

EXPERT v FACTUAL WITNESS

- □ Factual Witness:
 - What evidence you collected
 - How you collected it
 - Policies and procedures followed
 - What you saw and what you did
- Expert Witness:
- Your opinion
- Must be qualified through testimony on education, training and experience

PREPARATION TIPS

- □ Starts with the SAECK careful collection of evidence, good documentation
- Meet with attorney prior to court
- Review records prior to court, prior to meeting with attorney
- Know if you will be a factual witness or an expert witness

PREPARATION TIPS

THE SEXUAL ASSAULT EVIDENCE COLLECTION KIT

- KEY narrative
- □ Victim's demeanor, emotion, etc.
- Limit non-critical information if not relevant to medical treatment or the assault itself, do not include

PREPARATION TIPS

- Expect delays provide contact information to prosecutor
- Discuss your testimony with the attorney who subpoenaed you – issues that will come up on direct and on cross
- Dress professionally conservatively
- Remember you are NOT an advocate

TIPS WHILE TESTIFYING

- Be confident walk, talk, sit confidently
- □ Tell the truth don't guess, don't exaggerate, don't lie
- If you don't know the answer say you don't know
- If you don't remember say you don't recall

TIPS WHILE TESTIFYING

- Bring a copy of your records to court if you don't remember something, ask if you can refer to your records
- Look at the attorney when s/he is asking a question
- Look at the jury when answering

TIPS WHILE TESTIFYING

- Listen carefully to the question asked answer only THAT question
- □ Speak clearly and with confidence
- Avoid complex medical jargon
- If you do not understand the question, ask for clarification

TIPS WHILE TESTIFYING

- Qualify your answer if necessary "Yes or no?" questions
- Don't offer extra information only answer the question asked
- Always give a verbal answer hand, head and body gestures are insufficient

TIPS WHILE TESTIFYING

- Do not be intimidated
- □ Do not get angry
- □ Do not be evasive
- Do not let an attorney put words in your mouth

TIPS WHILE TESTIFYING

- Do not look to an attorney or anyone else for the answer to a question
- Answer with confidence do not sound unsure
- Objections stop talking immediately

TIPS WHILE TESTIFYING

- Do not discuss the case in public or anywhere you could be overheard
- □ Bring an unused, sealed kit to court
- Do not try to answer a question you are not qualified to answer

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