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An initiative of the Division of Criminal Justice Services

Albany: Sexual Assault Nurse Examiners' Mock Trials

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Summary:
The Albany County District Attorney's Office provides a legal educational overview and mock trial experience to Sexual Assault Nurse Examiners in training at Albany Medical Center to prepare them for providing expert testimony and alleviate fears of testifying.

Problem

Sexual Assault Nurse Examiners are registered nurses who complete additional education and training to provide comprehensive health care to survivors of sexual assault. These professionals may be asked to testify as expert witnesses in various court proceedings. The weight of a clinician's testimony at trial is significant and many nurse examiners have not experienced the pressures associated with testifying. Nervous or anxious behaviors may result in an expert witness appearing less credible in court.

Program Description

In 2018, Albany Medical Center's (AMC) Sexual Assault Nurse Examiner coordinator recognized this issue and worked with the Albany County District Attorney's Special Victims Unit bureau chief to incorporate a mock trial component into AMC's Sexual Assault Forensic Examiner 40-hour training curriculum, which is certified by the New York State Department of Health.

This component of the training occurs at the courthouse and the half-day program features an educational and mock trial part. The educational part provides definitions on relevant legal terminology, differentiation among court settings (e.g., grand jury, criminal court, family court), describes the case process and structure of a trial, reviews the importance of documentation, and explains the expectations of expert witness testimony. The trainers provide support, but do not provide guidance on how to answer questions.

Once the nurses have that legal background, they participate in a mock trial that occurs in an Albany County Court or Supreme Court courtroom. The attorney guiding the mock trial explains the court layout and gives the nurses an opportunity to sit in the jury box. Assistant district attorneys play the parts of the prosecutor, defense

counsel and judge. This exercise allows nurses to experience various types of questioning styles, both direct and cross-examination.

During the mock trial, each nurse takes a turn testifying on the witness stand. They are provided a redacted medical record and are questioned by the prosecutor and cross-examined by defense counsel. The attorneys provide suggestions on improving the nurses' confidence, but feedback primarily comes from the Forensic Program Manager, who may comment on how a nurse can better navigate questions specific to the facts of the case or provide other feedback on the subject matter presented.

There are 18 nurses in each training, and training frequency depends on the need for examiners and the number of patients seen. Since the training curriculum was certified in 2018, there have been nine training classes that have participated in a mock trial, with 108 sexual assault nurse examiners trained. Most of the SANE forensic nurses have testified across multiple county jurisdictions.

Funding

The Albany County District Attorney's Office dedicates staff time and secures training space using existing resources. The Albany Medical Center Division of Forensic Medicine is supported through Albany Medical Center.

Supportive Research

Sexual Assault Nurse Examiners have been found to be more reliable witnesses in sexual assault cases than registered nurses. Given their perceived credibility, these specially trained clinicians often benefit from courtroom preparation on basic legal concepts, court types, court process and flow, and witness expectations, which helps relieve stress and keeps them calm under pressure.

Critical Success Factors

The balance of roles between the District Attorney's Office and the Albany Medical Center is critical. The attorney's role is not to direct the nurse on what to say or how to say it during testimony, but solely to educate on the court process and help the nurses feel comfortable and confident in that setting. The Sexual Assault Nurse coordinator's duty is to provide insight on the best ways to convey the subject matter and explain their findings while testifying.

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