Serving as a Witness in the Court: Trials, Testimony, and Truth

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I often hear forensic nurses say that one of their most disconcerting fears in practice is being called to testify in court. Yet, forensic nurses have clearly described competencies, expertise, and skills in multidimensional areas of practice that are highly recognized and sought after in the intersection with the law. Forensic nurses are well respected as experts in evidence collection and preservation, injury identification, interviewing, photo documentation, maintenance of written medical legal records, chain of custody, and psychological effects of trauma, among other areas of expertise. As a forensic nurse, have you ever stopped to reflect on all that you do know in this specialized area of practice? Contemporary criminal trials are highly sophisticated and often rely on the testimony of nurses in the forensic nursing role. It is because of their specialized education, training, experience, and skills that forensic nurses are sought after as experts or fact witnesses by prosecutors and defense attorneys. In short, forensic nurses have an important place in the legal system (Koehler, 2009), and their extensive expertise is applicable across the full spectrum of health care.

Providing testimony is an important part of forensic nursing practice, yet it can raise doubts, shatter one’s confidence, and evoke personal fear. Fear in providing testimony can be reduced by having confidence in skills and abilities and by recognizing and embracing competency and expertise in forensic nursing practice. Nurses are uniquely qualified to serve as witnesses in the court; however, belief in their specialized expertise is an important first step. Clearly articulated scope and standards of practice have been developed through professional organizations including the International Association of Forensic Nurses (IAFN) and are the foundation for forensic nursing practice (American Nurses Association & IAFN, 2009). The commitment to furthering education, experience, skills, and abilities is increasingly recognized in forensic nurse leaders visible across the healthcare system.

Reducing fear and anxiety in the provision of testimony can be accomplished. Being well prepared is a cornerstone to being able to testify with confidence. Knowing the current research evidence base is critical to preparation. Learning how to read and understand research, translate evidence to practice, and communicate findings, requires diligence and commitment to excellence in the forensic nursing role. Reaching out to find a mentor skilled in conducting and disseminating research can foster growth in this area. Becoming familiar with the processes and procedures inherent in court proceedings increases confidence in testifying and promotes a professional demeanor in front of a judge and jurors in the courtroom. The ability to communicate accurately and clearly is enhanced by taking the time necessary to prepare for court proceedings. Wearing comfortable professional attire will not only boost confidence but also further show professionalism (Phillips & Stark, 2013). Learning to listen through mindfulness and seeking feedback from peers can help reduce fear and support skill building in preparation for a day in court.

The foundation of the provision of testimony in the forensic nursing role is credibility. One way to develop a positive professional reputation is through showing high ethical standards, collaboration, and leadership. Credibility is enhanced through the development of competencies and expertise based on experience, high-level knowledge attainment, and practice founded on established scope and standards of care (Phillips & Stark, 2013). Competence builds self-confidence (Kouzes & Posner, 2012). Credibility is further enhanced through the attainment of certification. The achievement of credentialing, such as Sexual Assault Nurse Examiner-Adult or Sexual Assault Nurse Examiner-Pediatric, is an important measure of competence and excellence in practice and attests to the attainment of specialized knowledge (Milazzo, 2004). Forensic nurses demonstrate competence through the pursuit of excellence in evidence-based practice, self-reflection, and commitment to the science.

Ultimately, the forensic nurse is in the courtroom to tell the truth. At the heart of credibility is trustworthiness and honesty, having impeccable character and strong integrity by being truthful, ethical, and principled (Kouzes & Posner, 2012).
Embracing one’s expertise and believing in oneself and the uniqueness of the forensic nursing role is a big step in reducing fear and facing professional challenges with confidence. Continuously building expertise and competence through lifelong learning, modeling the way, and exemplary practice continues the process.

It is a great time to be a forensic nurse; we are unique and have an increasingly recognized and important place in the complex healthcare system, protecting the rights of and advocating for individuals, families, and communities (American Nurses Association & IAFN, 2009).

References