**PREDICATE QUESTIONS: PHYSICIAN OR SEXUAL ASSAULT NURSE EXAMINER IN A SEXUAL ABUSE CASE**

## Please state your full name and spell your last name.

## What is your current occupation?

### State full title.

### What are your duties and responsibilities in current position?

### Prior occupation: (if experience enhances credibility with the jury, such as rape crisis counselor, police officer, evidence technician, etc.)

1. State full title.
2. What were your duties and responsibilities in your past position?
3. Please tell the jury how your past position assists you in your current occupation.

## Educational background:

### Associate degree: date, institution and discipline.

### Undergraduate degree: date, institution and discipline.

### Graduate degree: date, institution and discipline.

## Medical training and experience:

## Residency: date, institution and specialty.

### Internship: date, institution and specialty.

### Fellowship: date, institution and specialty.

1. *Certifications and Licenses: (If applicable to witness)*
2. In which state(s) are you licenses to practice medicine?
3. Do you hold any special certifications?

### *Child Abuse Training:*

### Have you had any specific training in the are of child sexual abuse?

### Date(s) of training.

### Number of hours.

### Topics covered.

###  Have you had any specific training in the are of child physical abuse?

### Date(s) of training.

### Number of hours.

### Topics covered.

### Have you had any specific training in the are of child sexual abuse?

### Date(s) of training.

### Number of hours.

### Topics covered.

###  *Peer Review:*

###  Do you participate in peer review?

1. What is peer review?
2. How often does peer review occur?
3. How is peer review conducted?
4. What is/are the benefits of peer review?
5. How often do you participate in peer review?
6. Describe your participation in peer review.

### *Teaching:*

1. Do you train other professionals in the areas of child sexual assault examination?
2. How often do you provide training to other professionals regarding child sexual assault?
3. What percentage of your current position involves training others in this expertise?
4. Does your teachings include lecturing or clinical training also?
5. How long have you been responsible for training others in the area of child sexual assault examinations?
6. Approximately how many other professionals have you trained in the area of child sexual assault?
7. Do you train other professionals in the area of child physical abuse?
8. How often do you provide training to other professionals regarding child physical assault?
9. What percentage of your current position involves training others in this expertise?
10. Does your teachings include lecturing or clinical training also?
11. How long have you been responsible for training others in the area of child physical abuse?
12. Approximately how many other professionals have you trained in the area of child physical abuse?

### *Continuing education:*

1. Do you participate in continuing education?
2. Define for the jury what is “continuing education”.
3. How much continuing education do you receive on an annual basis?
4. How is the continuing education applicable to your expertise in the area of child sexual assault examinations?

### *Publications:*

1. Have you published any scholarly articles, studies, etc in the area of sexual assault or abuse?
2. Have you published any scholarly articles, studies, etc. in any other areas of medical research?

### Is there anything else that you should tell the jury about your training, experience or background that would assist the jury in making a decision?

1. *Sexual Assault Examination Experience:*

## In the course of you professional duties, have you ever performed a sexual assault examination to determine if a child or an adult was sexually assaulted?

### How many sexual assault examinations have you personally performed?

1. How many on children?
2. How many on adults?
3. Have you performed examinations on both males and females?

### How many sexual assault examinations have you observed being performed?

## Have you ever supervised the performance of a sexual assault examination?

## You stated earlier that you are involved in training other professionals in the performance of sexual assault examinations?

### Who do you train to perform sexual assault examinations?

### How do you perform this training?

## Have you previously qualified as an expert in the area of sexual assault forensic examination?

### In which courts have you qualified?

### How many times have you qualified?

### In what areas of expertise have you qualified as an expert?

1. Are you a member of a sexual abuse team (SART/SANE)?
2. What is a sexual abuse team?
3. What is the function of a sexual abuse team?
4. What are some of the benefits of a sexual abuse team?

## Protocol Inquiry:

## Is the manner in which a sexual assault examination is conducted regulated by a protocol?

### What is a protocol for purposes of a sexual assault examination?

## Is there a protocol in place in your jurisdiction for sexual assault examination?

### When was the protocol for conducting a sexual assault examination established?

### Is the protocol ever evaluated and revised?

#### How often is the protocol reevaluated and revised?

1. Why is the protocol routinely reevaluated and revised?
2. *Protocol Procedure:*

## Please explain the required procedure required by the protocol to conduct a sexual assault examination? (This should include a short generalized answer. Topics covered should include: Obtain a verbal history of the sexual assault; conduct an external physical examination and a genital examination.)

## History:

## What is a history?

1. Why do you obtain a history?
2. From whom do you obtain the history?
3. Why is a history obtained at the beginning of the examination?
4. Does a history assist you in forming your ultimate medical opinion or diagnosis?
5. How does the history assist you in forming a medical opinion?
6. History documentation:
7. Do you document the history that you receive?
8. On what form do you document your findings?
9. Does the protocol require this form to be completed?
10. Have you received training on how to correctly complete the form?
11. Approximately how many times have you completed this form?

###  When do you document the information that you receive while obtaining the history?

### Why do you document the information at this time?

### *External examination inquiry:*

## After obtaining and documenting the history received, what do you do next?

## What is involved in performing the external examination? (The response should include general information of the various aspects of the external examination, including: temperature, blood pressure, weight, age, observations of the victim’s demeanor and attitude, signs of bruising, scratches, etc.)

## Documentation of external examination:

## Do you document the information and findings that you obtained during the external

### examination?

####  How?

####  When?

####  Where?

## Genital examination:

## After completing the external examination, what do you do next?

## Please explain how the genital examination is conducted? Answer should include a description of the examination of the external genitalia.)

#### Examination of external genitalia:

##### Labia majora:

######  Where is this?

######  What is the purpose of the labia majora?

#####  Continue with other significant body parts.

# Examination internal genital:

# I would assume that your next step is to conduct an examination of the internal genital area?

#  Are there various positions used when conducting this part of the examination?

#  What are the different position(s) used to complete examination.

#  Please describe the various positions used.

#  Why are multiple positions used to complete the examination?

## What are the names of the body parts that are examined?

## Hymen:

####  What do you look for when examining the hymen?

####  Are all hymens shaped the same?

#####  What are the different shapes possible?

####  What is the significance of the shape of a hymen?

#####  Does the shape of the hymen affect your examination?

#####  Does the shape of the hymen affect if it can be injured?

####  Is the hymen located on the interior or exterior of the female body? (If penetration is the issue.)

#####  How far inside the female body is the hymen located?

#### Continue with other significant body parts.

1. Documentation of internal examination:

#### Does the protocol require that you document these findings in a certain manner?

##### How are you required to document your findings? (Hand drawing on statutory required medical form, photographs by a colposcopic camera.)

1. What is a colposcope?
2. How does it work?
3. What type of pictures does it take?
4. Is the subject matter magnified by the colposcope?
5. What is the magnification?
6. Does the camera touch the victim’s body?

#### What is the benefit of using a colposcope rather than a traditional camera?

#### Why are colposcopic photographs taken during the sexual assault examination?

1. How are the photographs identified as being from a particular patient?

##### When are you required to document your findings?

##### Where are you required to document your findings?

## How long does a typical sexual assault examination last? (Include time required to fill out paper work, waiting time, and complete examination including history).

## Victim’s examination:

## On \_\_\_\_\_\_\_\_, did you conduct a sexual assault examination on \_\_\_\_\_\_\_\_\_\_.

## In conducting this examination, was the protocol followed?

## In following the protocol, you obtained a history from the victim prior to conducting the examination?

### What is the history that you received?

### Did you receive additional historic information from any other source(s)? (Family members, detectives, beat officers, social workers etc.)

### In accordance with the protocol, did you record the information that you received?

## While you were taking the history, did you have an opportunity to observe the victim’s demeanor and attitude?

## What was her demeanor and attitude?

##  Based on your training and experience, was her demeanor and attitude consistent with a person who has suffered a traumatic event?

## Why?

####  Did you record her demeanor on the required form?

####  When did you do this?

####  Does the victim’s demeanor affect your ultimate medical opinion?

#####  How?

#####  Why?

## After obtaining the history, your protocol requires an overall external examination to be conducted.

## Did you do this?

### Describe the examination that you conducted.

### What were your findings?

## Did you document your finding from the overall external examination as required by protocol?

### When?

### How?

### What specifically did you document on the form?

## Did you do anything to visually document your findings from the overall external examination? (Many forms provide an area to draw a picture of the findings observed and many protocols require photographs to be taken).

### Please describe the finding depicted in the hand drawing that is contained in the victim’s medical records.

##### You also stated that you took photographs of the findings you observed, is that correct? (Make sure photographs have perspective, use a ruler and a color scale.)

#### How do you identify these photographs as being of this victim in this case?

### Is there anything else regarding the overall external examination that we have not discussed?

## In accordance with the protocol, did you next conduct the external genital examination?

### Did you follow the procedures as required by the protocol?

### How did you perform the external genital examination?

### Please describe how the external genital examination.

### Did you observe any unusual findings during this examination?

## What were your findings with respect to the examination of the external genitalia?

1. Did you document your findings according to protocol?

### Did you conduct an internal examination of the victim’s genitals area?

### Please explain the genital examination that you conducted. (Include all body parts examined)

###  What tools did you use to complete the examination?

####  Swabs

#####  What size swabs did you use?

####  Speculum:

#####  What is a speculum?

#####  What is the purpose of a speculum?

#### Colposcope

## What did you discover during the genital examination?

####  Injuries found.

#####  Location of injures found.

1. Age of injury.

###  I am showing you what has been marked as \_\_\_\_, what is it? (It is helpful to use an anatomical “clock” diagram (see Appendix II-5) of the female genitalia to demonstrate to the jury the body parts that were examined. All discussion should use non-technical wording.)

# Please explain this diagram to the jury.

# Please explain the significance of the numbers.

# Please mark on the diagram the injuries that you found.

# You’ve placed a mark on the\_\_\_\_\_, what does that mark represent?

##  Is the placement of an injury significant?

##  Why? Please explain in detail.

## Were your findings different depending on what position the victim was in?

### Why is this significant?

## You stated earlier that you also used a colposcope during the examination.

# I am showing you what has been marked as \_\_\_\_\_, what is it?

# How do you recognize this as being a photograph of \_\_\_\_\_?

# Please identify the injuries that you have described finding on the victim.

# You earlier stated that the placement of the injury is significant. Using the photograph, demonstrate and explain why placement is significant.

## Were you able to determine the age of the injuries?

### How is it possible to determine the age of an injury?

### Do you have an opinion regarding the age of the injury?

### What is your opinion?

### What do you base your opinion on?

###  ***Expert Opinion:***

## Did you form an expert opinion regarding the cause of the genital injury?

## What is your expert opinion?

## What did you base your opinion on? (Examination, history by victim and others, experience, continuing education, etc.)

###  Based on your examination, do you have an opinion as to whether your findings are consistent with the victim’s history of sexual assault?

### What is your opinion?

### What do you base your opinion on?