

EXHIBIT 14D—Suggested Cross-Examination Areas for the Medical Personnel Initially Treating a Patient Complaining of Sexual Assault

Regarding Natural, Professional Bias to Help Patient

Trained to deal with people:

- who claim sexual assault
- sympathetic
- not questioning
- portray that you're there to help
- try to be reassuring
- do not challenge them in any way
- goal is to put them at ease

Regarding Responsibility to Gather Information and Collect Evidence

Seen many patients with claims of sexual assault before and after this one

Also trained

- in gathering information from patient
- get information needed to help medically treat her
- get information that may be valuable in collecting evidence
- careful when doing this
- take as much time as is needed
- include whatever is said in the hospital records
- include important details
- generally only source of information is the patient

This information is forwarded

- to the police,
- to prosecutors for potential use in court, and
- is contained in a rape kit.

Allows you, if needed,

- to look back at records after time has passed and
- to remember details about a particular patient.

Part of the Rape Protocol

- is to take an account from the patient
- in the patient's own words

Regarding Never Met Complainant Before

Never met this complaining witness before

- did not know emotional makeup
- did not know how she reacts to different situations
- did not know her history with the defendant
- did not know her psychiatric history
- did not know drinking history (include any particulars)

Just accepted her

- at face value
- and treated what you saw and heard

When she came to hospital

- came in as non-urgent emergency
- brought in by . . .

She was

- (include conditions helpful to defense)
 - coherent
 - cooperative

Regarding Complainant's Ability to Cooperate with Hospital Personnel

Asked complaining witness

- what happened

- part of normal duties
- get account as soon as possible

Complaining witness able to answer questions

- and told you what claimed again—
- you listened in supportive manner
- and wrote things down in records.

Regarding Details of Complainant's Account to Show Inconsistencies

Spoke approximately 30–45 minutes

- Crying
- Tearful
- Withdrawn

Spent as much time as needed to get information.

When you saw the patient

- asked her to describe incident.
- This was after you helped make her comfortable
- after she has been seen medically.

Write down what she said

- “in her own words”

[Ask about any omissions or inconsistencies in parts of story to hospital versus her trial testimony or other interviews] For example, she

- never told you she was drinking with her assailant
- told you only vaginal intercourse
- never mentioned oral intercourse, etc.

[Point out absence of injury]

For example:

- no lacerations,
- no bruises, etc.