



D30 Medical Evidence in Sexual Offense Trials: A Two Year Audit of Data Relating to Expert Witness Testimony of Forensic Physicians in Sexual Offense Trials

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The goal of this presentation is to present information about medical evidence in sexual offence trials to facilitate an understanding of the forensic role of the doctor providing services to patients who allege sexual assault.

This presentation will impact the forensic community and/or humanity by demonstrating how information about medical evidence in sexual offence trials provides a valuable insight into the forensic role of the doctor in this setting and has the potential to inform both the medical and legal professions for the ultimate benefit of the courts and in the interest of justice.

Patients who allege recent sexual assault in metropolitan Perth, WA, are seen by a group of 10 doctors who are trained in aspects of clinical forensic medicine and who provide 24 hour medical and forensic services to approximately 400 alleged victims of sexual assault per year. Sixty per cent of these patients have reported the incident to the police at the time of examination and a further fifteen per cent are considering involvement of the criminal justice system. The forensic role of the doctor in this setting involves documentation of injury on the body and in the genito-anal area, the collection of physical evidence, the preparation of a medical report detailing examination findings and their significance, and expert witness testimony in court.

This paper will present data relating to over 160 subpoenas and 80 court appearances by doctors over the two year period from July 2001, to June 2003. Three quarters of these subpoenas were for the District Court, and the remainder for preliminary hearings and the Children's Court. Data collected include duration of time from examination to trial, opportunity for pre-trial discussion between lawyers and doctors, time spent by doctor in the witness box and specific issues the doctor was questioned upon.

The average time between examination and the doctor's appearance as a witness was 21 months. All trials involved pre-trial discussion between the doctor witness and lawyer (prosecution +/- defense). The average length of time the doctors spent in the witness box was 40 minutes, with the length of evidence varying from 10 minutes to 2 hours. Doctors were questioned about genito-anal injury in forty five per cent of trials, general injury to the body in thirty per cent of trials and history given to them by patient and the patient's demeanor in ten per cent of trials. This paper will present details on these and other medical issues which the court sought information about.

Sexual Assault, Medical Evidence, Forensic Physician