**Responsibilities of a nurse as a witness**

The mother of forensic nursing, Virginia Lynch, fell in love with the profession in 1982 after visiting a crime lab. She claims that while the victim is receiving treatment in a medical facility, evidence such as clothing, specimens, and records are extremely important, yet they are frequently lost to the authorities.

Choosing to work as a forensic nurse is a serious decision. Nurses frequently witness the darkest aspects of humanity. Forensic nurses must possess both objectivity and compassion. During an examination, they must simultaneously ensure the safety and comfort of an abuse or assault victim and uphold an impartial, objective demeanor when called upon to testify or be a witness in court.

A court case nearly always follows the commission of abuse, assault, rape, or other violent crimes. The tasks assigned to a forensic nurse include gathering injury evidence from the victim's body, retrieving any possible DNA evidence, and thoroughly documenting any injuries by protocol. Evidence can play a crucial role in constructing a case against an offender once it has been gathered and recorded. Forensic nurse not only collects evidence but also stand as an important witness against the perpetrator of the crime.

**A witness**

A witness in legal terminology is a person with knowledge of a case that has been tried. Someone who witnessed or heard anything connected to the incident under trial may be called as a witness. When assembling evidence for a legal case, witnesses are crucial.

In legal parlance, a witness is a person with knowledge of a case that has been tried. Someone who saw or heard anything connected to the incident under trial may be called as a witness. When assembling evidence in a court case, witnesses are crucial.

A competent witness is defined by section 118 of the Indian Evidence Act as one who can comprehend the questions that the court asks him. He is a competent witness if he can comprehend inquiries and provide thoughtful responses.

Witnesses can be anyone at all. There are no limitations on who can testify. Anyone can be a witness, regardless of gender, age, or experience. The sole limitation is that a witness cannot be considered competent if he is unable to comprehend the questions and provide a reasoned response.

**Types of witness**

Criminal cases now are more complex than they were five years ago, and witness testimony is increasingly relied on. A witness may be classified into different categories. Important types of witnesses are:

1. [Interested Witness](https://www.writinglaw.com/witness-and-types-of-witness/#interested)
2. [Chance Witness](https://www.writinglaw.com/witness-and-types-of-witness/#chance)
3. [Stock Witness](https://www.writinglaw.com/witness-and-types-of-witness/#stock)
4. [Eye Witness](https://www.writinglaw.com/witness-and-types-of-witness/#eye)
5. [Official Witness](https://www.writinglaw.com/witness-and-types-of-witness/#official)
6. [Related Witness](https://www.writinglaw.com/witness-and-types-of-witness/#related)
7. **Interested Witness:** Someone who wants the accused to be imprisoned for the crime he committed is an interested witness. Anyone who wants to see the guilty party punished or who is an interested witness, such as a friend of the prosecution, can be considered. For example, A family physician can provide care for a patient who has committed numerous felonies but has never been apprehended by the authorities. He may constantly treat the patient for illnesses and injuries because he is a doctor. In the event of a criminal trial, the physician may testify as an interested witness, therefore establishing the defendant's habitual offender status. Despite his lack of connection to the case, he is in favor of punishing the offender.
8. **Chance Witness:** A chance witness is somebody who just so happens to be at the crime scene or is passing by when a crime is being committed. Such a person is considered a chance witness if he testifies in court. For example, in an ancient property that is rarely visited or lived in, two well-known businessmen deal in drugs. One day, a news reporter who travels down that path was informed about the meetings that were happening there. He thus arrives there to conduct a general examination. He notices that the first man is leaning a gun against the second and murders him. Here, the journalist is merely an accidental observer or chance witness. He was not intended to be there, but by coincidence, he finds himself there and sees the scene of the crime.
9. [Stock Witness](https://www.writinglaw.com/witness-and-types-of-witness/#stock): The term "stock" refers to an item that is held for potential use in the future based on availability. A stock witness is someone who follows police instructions and stays at the rear of the group. Their evidence is not very trustworthy, and the court consistently decides not to accept it. The judges strongly disapprove of such testimony. For example, As a witness to the crime, someone works for the police. The police may ask that person to testify in favor of the prosecution by saying that he witnessed the accused committing a crime or by providing any other testimony against the accused if a crime is committed and they do not have a strong witness to support their case. These witnesses are typically the prosecution's preferred witnesses, and judges pay little attention to them.
10. **Eye Witness:** An eye witness to a crime is someone who, through his own eyes, witnesses any act or scene of the crime. Any individual, including strangers, relatives, and others, can serve as an eyewitness. An eyewitness is a valuable piece of evidence in the case-solving process. It's commonly believed that anything can betray, but eyes cannot. For example, a shopkeeper who stayed in his store till after midnight witnesses a man beating and dragging a person out of his home. The store owner can testify against that man in court as an eyewitness who witnessed the crime being committed.
11. Official witness: An official witness is someone who works for the police and provides testimony in a court of law. Since the individual testifying on behalf of the prosecution is on duty, they are referred to as official witnesses. It is argued that the testimony of a police witness should not be disregarded simply because they are members of the force and may be biased in favor of the prosecution in building a compelling case. The witness must be carefully examined by the court in compliance with the law, and if his testimony supports the other pieces of evidence, it is safe to accept it. There is no justification for rejection if the official witness is reliable and believable. For example, While on night duty, a police officer spots a drunken man racing toward a lane who later uses a knife to attack his wife. In this case, the policeman can testify as an official witness, and if his account is supported by additional evidence following careful examination, it can be trusted.
12. **Related Witness:** A witness is considered related if the person calling them to testify in court is that witness's relative. A person's statement cannot be disregarded or rejected because of his or her relationship with the other person, even when this could lead to bias in the case. One should not assume that a related witness will always favor his relative over the truth. For example, A related witness may be any anybody, including a person's mother, father, sister, brother, spouse, or other family members. In general, prudence dictates that the testimony of someone who is linked to the party be taken very seriously and that every effort be made to uncover the truth.

**Nurse as a witness**

Forensic nurses must possess the necessary skills and expertise to effectively communicate with the legal system and provide expert testimony on their investigations and conclusions in court. When using such knowledge, prosecutors need to be aware of the forensic nurse's function and the best ways to get an expert opinion during the witness stand. When a forensic nurse is called upon for a patient-related court case, their specialized forensic knowledge and abilities are put to use.

**Important Traits of the nurse as a witness**

The following crucial elements aid in the testifying nurse’s credibility-building process:

* Believability.
* Integrity.
* Respectful treatment.
* Expertise.
* Credentials.
* Ability.
* Experience.
* Honesty.
* Sincerity.
* Truthfulness.
* Ability to demonstrate and convince.
* Effective preparation and presentation.
* Ability to be neutral, objective, and open.
* Consistency in performance.
* Being knowledgeable.
* Up-to-date information.
* Professional practice and diligence.

**Type of court**

Judges and juries regard medical witnesses highly when they testify in court. Since medical professionals are typically regarded as impartial, skilled, and professional, fact-finders in the judicial system greatly value their testimony.

The type of court where forensic nurses are expected to appear will be specified in the subpoena. The lawyer who issued the subpoena is most suited to provide information regarding the purpose of their testimony, which is contingent upon the outcome of the case. Every kind of court has jurisdiction over a particular range of matters. Every sort of court has a different standard of proof and formality to conclude.

A forensic nurse may be called before any of the following courts and the area of law it governs.

* Criminal court: The purpose of criminal courts is to ascertain whether an individual has broken any laws. A prosecutor on behalf of the state files charges against the defendant for allegedly breaching the law.
* Juvenile court: Child protection agencies go to juvenile court to get a ruling on allegations of child abuse and what is best for the child. Attorneys representing the child, parent(s), and state child protection agency decide with the judge. Juvenile court cases are usually heard in private, confidential settings.
* Civil court: Individuals and businesses can file lawsuits in civil courts. A plaintiff files a lawsuit against a defendant in civil court if they feel that the defendant has wronged them. A judge or jury will make their decisions in civil court on the dominance of the evidence. Claims for medical malpractice argue the health care provider was negligent, and these cases are heard in civil court.
* Probate court: Probate court deals with cases involving guardianships, conservatorships, wills, estates, and the commitment of mentally ill individuals to facilities intended to assist them. Who makes the decisions is a judge.
* Family court: Divorce, child custody, child visitation, and domestic abuse cases are handled by family court. Local and state laws regulate family courts. Who makes the decisions is a judge.
* Military court: The highest trial court in the military is called a general court-martial. Service members are tried for the most serious crimes in this court. The highest penalty allowed for each infraction in the Manual for Courts-Martial limits the general court-martial's jurisdiction to impose punishment.
* Grand jury proceedings: The grand jury hearings take place behind closed doors, with the suspected criminal actor typically not being present. The grand jury conducts investigations without the assistance of the court or the prosecutor. The grand jury is presented with the case by criminal prosecutors.

**Types of Forensic Nurse Witness**

In a trial, witnesses of several kinds might testify. Fact witness and expert witness are the two categories in which the nurse is most frequently involved. The most crucial thing for the nurse to have in any situation is objectivity, impartiality, and science. Not an advocate, but a witness is what the forensic nurse needs to be.

**Fact witness**.

A fact witness is called upon only to verify facts pertinent to the case. According to Webster's Revised Unabridged Dictionary (1998), a fact witness's job is "to see or know by personal presence; to have direct cognizance of." These witnesses have direct knowledge of the incident in question. Nurses who are testifying about their observations and direct patient contact may be considered for that function. A fact witness may provide an opinion regarding what their senses have detected as well as testify to things that they have heard, seen, touched, tasted, or smelled. Fact witnesses can only attest to what they witnessed, observed, and gathered.

**Expert witness**

According to Barron's Law Dictionary (Giftis, 1996), an expert witness is a witness who possesses unique expertise regarding the subject matter of his upcoming testimony. This information often needs to be of a kind that is uncommon for the general public. This knowledge might come from schooling and research, or it can come from observation and experience. The court must determine that an expert witness is qualified to testify in that capacity. Still, it also needs to be convinced that the testimony is of the type that calls for specialized knowledge, expertise, or experience.

Forensic nursing relies heavily on expert witness testimony, and the courts have the final say in determining whether witnesses are qualified. The following are essential components of ethical expert witness testimony, as it is acknowledged that the expert witness serves as an impartial educator:

**Representation of qualifications accurately:** In written and oral testimony, the forensic nurse expert witness truthfully describes their background, education, experience, credentials, and accomplishments in the field. A forensic nurse's ethical obligations to society are violated by any attempt to deceive the community, factfinders, or attorneys regarding the nurse's training or credentials.

**Current, unrestricted licensure:** Expert witness for forensic nursing has an unencumbered, active nursing license; retired personnel may have an inactive license.

**Current practice in which the forensic nurse is testifying:** The expert witness, a forensic nurse, testifies by their particular field of competence, practice, and professional background. This represents current practice standards, including information that is supported by research and evidence. A nurse's education, competency, and authorization to practice their specific nursing practice—which encompasses the practice areas of education, policy, research, administration, and direct patient services—determine the variety of duties and responsibilities that comprise forensic nursing practice.

**Review of the body of evidence:** The expert witness for forensic nursing takes into account the body of evidence that can support their testimony and is aware of its limitations about the particular issue of testimony. The evaluated data and the science substantiating the forensic nurse's assessment and testimony are not misrepresented by the expert witness.

**Current guidelines for approved practices:** By acknowledging practice guidelines, the forensic nurse expert witness gives evidence. Disparities between community practices and organization-specific regulations, for example, and currently recognized practice standards, should be noted and explained.

**Limitations of the accepted science:** The forensic nurse expert witness gives evidence that is truthful, compatible with established science, and does not make any attempt to deceive the court using currently available scientific knowledge. In cases when there is a lack of scientific consensus or when the forensic nurse expert witness holds a differing opinion from the state of the field, they will identify and explain their difference.

**Expert witness compensation:** All of the opinions expressed by the forensic nurse expert witness are supported by reliable sources, such as facts, relevant research findings, practice guidelines, and scientific data. Financial compensation for the services of a forensic nurse expert is made for the expert's time rather than for rendering a particular conclusion.

**Conflicts of interest and conflicting interests:** There are no conflicts of interest or competing interests in the forensic nurse expert witness's consulting or evidence. Any conflict of interest or potential conflict of interest must be immediately brought to the notice of retaining counsel by the forensic nurse. Any relationship—financial, professional, or otherwise—that could be interpreted as a conflict of interest or represent conflicting interests or falls under this obligation.

**Preparation of the witness**

* + to remember the precise details of the case, forensic nurse witnesses must rely on his/her documentation.
  + To be ready to testify, go over and examine the records of the history and physical examination.
  + Forensic nurse witnesses may bring a copy of the chart material to the witness stand so that it can be used as a reference during the testimony. It should not be relied upon to read from; rather, it should only be used as a point of reference to help the forensic nurse witness refresh his/her memory. Bringing any handwritten notes to the stand is not advised.
  + Witness preparation is intended to lessen testifying nervousness and assist witnesses feel like they can testify effectively.
  + Set up a meeting to discuss the witness's involvement in the trial and the information that the subpoenaing attorney hopes the witness will supply.
  + Curriculum vitae must be given to the lawyer since the witness will be questioned about their training and work history while testifying to verify their credentials.
  + Examine potential questions for direct examination and ascertain potential questions for cross-examination.
  + A Forensic nurse witness may be better prepared for the court experience if they visit the courtroom beforehand to familiarize themselves with the layout of the courtroom.
  + The forensic nurse witness needs to consult with other coworkers who have testified in court before.
  + Credibility and professionalism are the ideal impressions. The forensic nurse witness must dress in comfortable and dignified attire.

**The forensic nurse witness at the court**

It is typical for there to be other witnesses called to testify in the same case. The forensic nurse witness will probably have to wait for their turn. Any scheduling issues and the best availability must be communicated to the attorney in advance. The order in which the forensic nurse witnesses testify may be predetermined by the lawyer. Before testifying, the witness will need to wait outside the courtroom. No forensic nurse witness may discuss the matter with any witness who has already testified while they are waiting to testify. The "sequestration rule" takes away any possibility that the witness's testimony was impacted by anything that happened earlier in the trial. When the turn comes to testify, the marshal will let the witness into the courtroom and he /she will be called to the witness stand. The forensic nurse witness will be sworn in by the clerk who will ask for the name and business address. When answering questions, the witness is supposed to talk into the microphone that is set up in front of the chair. Drinking water is also provided. Numerous individuals will be present throughout the courtroom. The judge will be seated in the courtroom, and a court reporter equipped with recording equipment will be positioned close by. Seated in front of the witness and the judge will be the lawyers and their clients. There will be six to twelve individuals seated to the side of the witness stand if there is a jury. The decision maker for the issue before the court is either the judge or the jury. Therefore, the forensic nurse witness must direct the answers toward the judge or jury. The attorneys will be asking the questions, but on occasion, the judge may interject with questions. The jury or the judge will make the final decision on the matter at hand in court. As a result, the witness must address the jury or judge in their responses. The judge may occasionally ask a question in addition to those posed by the attorneys. The lawyer posing the opposition may take issue with any questions the lawyer asks. The objection will either be deemed "sustained" or "overruled" by the judge. The opposing attorney will perform a cross-examination. The Forensic nurse witness should limit their response to the query that was posed. Don't add anything more that was not requested. The forensic nurse witness will be released from the witness stand by the judge when the attorneys have finished questioning them.

**Conclusion**

Legal problems can be settled amicably and fairly in the court system. Beyond providing patient care, forensic nurse witnesses have a continuing responsibility to accurately depict the specifics of the treatment given if they are called upon in a lawsuit or other legal proceeding.