

Bringing Hope to India

Changes inspired by forensic nursing will have far-reaching positive effects on Indian society.

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Forensic nursing has only recently been introduced in India and is now recognized as the most contemporary concept in forensic services in the country.

The concept of forensic nursing brings together resources from forensic science, health care, and criminal justice in a common concern for the plight of victims of crime, the accused, and the families of both.

Forensic nursing was first introduced to a few select institutes and agencies in India in November 2003. Since that time, an enthusiastic response has emanated from this initial prologue in New Delhi and across the Punjab. Currently, nursing students are resonating with enthusiasm to work as forensic nurse examiners.

Direct beneficiaries of this development will be the experts in forensic medicine as well as police agencies. Forensic medical examiners (FME) and forensic pathologists will be able to better perform their professional duties with skilled forensic nurse associates. Society will benefit from direct services provided by forensic nurse professionals who are specifically trained to interact with those who are tormented by crime or who have been accused of crimes they did not commit.

Nursing students and tutors in India are keen participants in the forensic nursing programs designed specifically for them.



Dr. R.K. Gorea teaches students in an autopsy lab.

Forensic nurse examiners excel in establishing a rapport with these clients and can explain various technicalities and legal requirements with ease. Forensic nurses who can interview clients in their own language and in a compassionate manner are better prepared to care for the emotional aspects of social trauma.

Ultimately it is the Indian society that will benefit through the application and acceptance of forensic nursing services similar to what has been established in other parts of the world. Crime investigation will also receive a fillip, as forensic nurses help law enforcement officers attain a more precise interpretation of the medical aspects of case investigation and preservation of biological evidence. Ultimately, it is the social order of India that will benefit through the integration of forensic nursing science into our health and justice systems.

Background and Review of Literature

Nurses are health care professionals trained to care for and nurture the sick as well as assist doctors or dentists (Waite, 1998). As the medical and social sciences continue to develop and expand their boundaries of practice, the nursing sciences must follow suit. Nurses must venture into new

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frontiers to keep pace with the changing needs of society. New arenas for practice have opened in the nursing sciences such as pediatric nursing, psychiatric nursing, and geriatric nursing, among others. One of the most interesting and challenging of these new fields is that of forensic nursing.

The concept of forensic science applied to nursing practice is not new, yet the nomenclature of such a formal specialty is definitely new. As early as the 14th century, nurse midwives were providing forensic examinations at the order of the King, such as confirmation of pregnancy or evidence of sexual assault and giving testimony to the court (Lynch, 1995). As Bhai Kanhaiya quenched the thirst of war victims and caring for patients of trauma, he represented one of the most fundamental aspects of forensic nursing (i.e., the investigation of trauma). Today he is remembered for his dedication to nursing and is recognized as the ideal male nurse. Long before contemporary forensic nursing was defined as a formal specialty, Florence Nightingale initiated the early concept of a forensic nurse in the Crimea, with a lamp in her hand while caring for victims of war.

The nurses' role in medicolegal cases has been recognized since the mid-1970s when Dr. John Butt, Chief Medical Examiner in Alberta, Canada, first established the role of the forensic nurse examiner in death investigation, representing the forensic pathologist at the scene of a crime. In 1989, the American Association of Legal Nurse Consultants was formed in San Diego, CA, providing for the investigation of legal documents related to questioned health care issues in association with attorneys and legal agencies. In 1992, the International Association of Forensic Nurses was founded and forensic nursing was duly recognized. By 1995, the American Nurses Association Congress of Nursing Practice had recognized forensic nursing as a formal specialty and in 1997, the Standards and Scope of Forensic Nursing Practice were published.

Virginia A. Lynch, MSN, RN, FAFS, FAAN, a forensic clinical nurse specialist, is recognized as the founder of forensic nursing science as a formal discipline in United States and throughout the world. It has been her life's ambition to establish the conceptual model of forensic and nursing science as one solution to identified problems where the lack of forensic intervention and services has resulted in a miscarriage of justice. She has been acclaimed as the moving

force in forensic nursing science in developed and developing countries; having initiated the principles of forensic nursing practice in South Africa, Zimbabwe, Japan, Thailand, Singapore, Sweden, Turkey, Italy, Australia, Central America, the United Kingdom, among other countries, and now, India (Gorea et al., 2002).

On Ms. Lynch's maiden voyage to India, through the efforts of this author, Dr. R. K. Gorea, it became possible to initiate a forensic nursing education program in Patiala, Punjab, the first in India. Nursing students and tutors are keen participants in the various educational programs specifically designed for them in forensic nursing science.

Roles of the Forensic Nurse

It is difficult to limit the role forensic nurses will fill to a few given situations from the Indian perspective; however, some of the potential roles are identified below.

1. Forensic pathology: A forensic nurse examiner (FNE) serving as a forensic pathology associate can be of immense help to forensic pathologists during the dissection while collecting biological and trace evidence. The forensic nurse can assume an important responsibility as the first person to receive the bodies of the dead, receive and review police documents, maintain mortuary records as well as other necessary entries in various registers, and manage legal formalities related to the decedent's presence in the mortuary. As a mortuary administrator, other responsibilities of the FNE can include noting the post-mortem staining and rigor mortis prior to artificial cooling as well as maintaining the appropriate temperature of refrigerated storage units.

Upon the arrival of the forensic pathologist, intake notes will be presented in an incisive report that includes the condition of the body, prior hospital admissions or pre-hospital care, and police description of events as well as the security of any personal property accompanying the body. The FNE can answer the various queries of grief-stricken families; thus reducing an excessive and unnecessary workload on the pathologist in addressing these issues, allowing them to concentrate on postmortem analyses in a more precise manner.

2. Forensic traumatology: As a forensic specialist for victims of trauma, the forensic nurse examiner provides documentation of injury with photography, collects biological fluids, and preserves clothing that contains evidence of assault, etc. The forensic nurse can be of particular help in cases of intimate or sexual trauma if the victim is female. A female FNE can more readily establish rapport with these victims, allowing them to express the true history in a frank manner.



Forensic nurses do not replace, usurp, or suppress any other forensic agent, rather they fill voids where needs exist due to a global shortage of competent forensic services.

- 3. Forensic toxicology:** Forensic nurses should be included on trauma teams when treating poisoning cases. It is not uncommon for forensically significant evidence in such cases to be discarded, such as gastric lavage, vomitus, urine samples, fecal matter, or clothes soiled by any of the above. Forensic nurses are aware of the value of these specimens, preserving them as appropriate and documenting the records in a meticulous manner for presentation in court.
- 4. Sexual assault cases:** It has long been recognized that physicians (male or female) are often resistant to participating in sexual assault cases due to the extremes of emotional trauma associated with these victims and their reluctance to testify in court. Forensic nurses have an advantage in these cases because of their highly specialized training as sexual assault examiners. Forensic nurse examiners are specifically qualified in providing sexual assault evaluations and victim management. They are also qualified as expert witnesses in a court of law. From their initial education in forensic science, sexual assault nurse examiners (SANE) accept court testimony as their duty and professional responsibility.

Public prosecutors support the development of FNEs in the United States and abroad, citing the forensic nurse as a formidable witness in the courtroom. In the majority of the United States and Canadian provinces as well as in some African countries, the FNE is gradually replacing gynecologists and emergency physicians as sexual assault examiners [Benak, 2002]. Hopefully, the forensic nurse examiner will become the preferred clinician of the future in the medicolegal management of sexual assault cases in India's health and justice systems.

FNEs are able to provide an immediate examination, as they will have no other conflicting emergency duties. They are highly qualified in forensic techniques, in improved methods of collecting and preserving specimens, and in the photo-documentation of injury, which will ultimately provide for greater a greater number of successful offender prosecutions.

5. Members of the legal team, i.e.

Assistants to Attorneys: Considering that the majority of cases prosecuted involve crimes against persons (trauma), forensic nurses who have qualified as legal nurse consultants (LNC) can contribute significantly to the investigation of crime. The LNC can review and analyze medical records and guide advocates through a morass of medical terminology and surgical procedures not taught in schools of law. LNCs help define and develop appropriate questions for cross-examination and help identify the lacunae or neglect as documented in the medical records. They also maintain knowledge of the

latest research in the field pertaining to health care and the law, thereby providing valuable information related to the case.

- 6. As a member of the investigative team for insurance companies:** Due to the Consumer Protection Act, there have been many cases against the doctors who have taken indemnity insurance. They can advise the concerned insurance agencies regarding various medical facts after reviewing the medical records. The forensic nurse investigator provides a highly skilled analysis of the individual who files false claims with insurance companies, particularly in fraudulent workers' compensation cases.
- 7. As a member of the investigating team at the scene of a crime:** The FNE's initial responsibility is to help differentiate between natural deaths and crime-related deaths and to limit the unnecessary post-mortem examination. The FNE, as a medical investigator, can assist the investigating officers in collecting trace and biological evidence while explaining preliminary medical facts and artifacts at the scene of a crime. The FNE's responsibility includes arranging for safe transportation of the body to the mortuary, security of medical evidence, photo-documentation of the body at the scene, gathering information regarding the circumstances of death, and making notification of death to the surviving relatives.
- 8. Social forensic nursing:** Battered women, abused children, and neglected elders will be more comfortable in explaining the circumstances of injury to female forensic nurses as compared to police personnel. Early detection of such cases may prevent more serious crimes.
- 9. Criminal abortion:** A forensic nurse may become the first person in a health care setting to recognize this crime. Victims of self-inflicted or illegal abortions, as well as society in general, will benefit by a timely reporting of criminal abortions. Lives of many victims can be saved as the culprits will be identified and brought to justice.
- 10. Human rights violations:** With a duty to advancing humanity, forensic nurses promote human rights and augment the detection of their violations. The FNE

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