

## Forensic Evidence in Nursing: Bridging Healthcare and Justice

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### Commentary

Forensic evidence plays a pivotal role in the intersection of healthcare and the criminal justice system. In forensic nursing, the collection, preservation, and documentation of such evidence are integral components of patient care, particularly for individuals who are victims of trauma, abuse, or violence. Nurses in this specialty are not only responsible for providing immediate medical care but also for gathering critical evidence that may be used in criminal investigations and legal proceedings [1].

This article delves into the role of forensic evidence in nursing, outlining its significance, the process of evidence collection, and the specialized training required for nurses working in forensic settings. It also explores the broader impact of forensic nursing on patient care and the legal system.

### What is Forensic Evidence in Nursing?

Forensic evidence refers to any physical or biological material that can be used to help solve a crime. In the context of forensic nursing, it includes evidence that is gathered from victims of crimes such as sexual assault, domestic violence, child abuse, elder abuse, and homicide. Nurses who specialize in forensic care are trained to identify, collect, and preserve evidence that may be used in legal investigations or trials.

The role of forensic nurses is unique in that they serve a dual function: providing medical care to victims and simultaneously gathering and safeguarding evidence that could be critical in criminal proceedings. The evidence collected in forensic nursing settings must meet legal standards of admissibility and integrity to ensure that it can be used effectively in court [2, 3].

### The Role of Forensic Nurses in Evidence Collection

Forensic nurses are experts in the medical and legal implications of evidence. Their ability to collect and preserve forensic evidence has significant implications for the outcome of criminal cases. Below are the key ways forensic nurses contribute to the collection and handling of forensic evidence:

#### 1. Identification of Forensic Evidence

Forensic nurses are trained to recognize various types of forensic evidence that may be present on patients, especially those who have experienced physical or sexual trauma. This includes biological samples (blood, semen, saliva), physical evidence (injuries, wounds), and trace evidence (hair, fibres, gunshot residue). Identifying these forms of evidence is critical to building a case for law enforcement [4-6].

#### 2. Evidence Collection in Sexual Assault Cases

In cases of sexual assault, the forensic nurse's role is particularly crucial. As a Sexual Assault Nurse Examiner (SANE), a forensic nurse is trained to conduct detailed and sensitive forensic examinations. This involves:

**Collecting DNA evidence such as semen, vaginal or penile swabs, and hair samples.**

Documenting injuries such as bruises, scratches, or genital trauma.

Preserving clothing or other personal items that may contain biological evidence.

Taking photographs of injuries and other physical evidence to provide visual documentation.

The collection of forensic evidence in sexual assault cases requires specialized knowledge of forensic protocols to ensure the chain of custody and maintain the integrity of the evidence.

### 3. Preservation of Evidence

Forensic nurses must handle all evidence with great care to preserve its integrity. Evidence can easily be contaminated or compromised if not properly stored or transported [7]. Forensic nurses follow strict protocols for preserving evidence, including:

**Using proper containers (e.g., paper bags, sterile swabs, and vials) to store samples.**

Labelling and documenting each piece of evidence, including where it was collected, who handled it, and the time it was collected.

Ensuring that evidence is stored in a secure location to prevent tampering or degradation.

Ensuring that evidence is transported to the appropriate lab or legal authority while maintaining a clear chain of custody.

Chain of custody refers to the documented history of who has handled the evidence, from the time it is collected until it is presented in court. Maintaining an unbroken chain of custody is critical to the legal process, as it establishes the evidence's authenticity and integrity.

### 4. Documentation of Injuries and Findings

Forensic nurses are responsible for documenting every aspect of a patient's condition and the evidence collected. Accurate and detailed documentation includes:

**Descriptions of visible injuries (cuts, bruises, burns, etc.).**

Photographs of injuries or wounds, ensuring proper protocols are followed to maintain admissibility.

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Medical history and any relevant statements made by the victim [8].

The steps taken during the forensic examination and the evidence collected.

Proper documentation not only supports the patient's medical care but also provides critical information for investigators and legal professionals. It helps to establish the timeline and nature of the injuries, linking them to the crime scene and potentially to a perpetrator.

### 5. Testifying in Court

Forensic nurses may be required to testify in court regarding the evidence they have collected and their medical findings. In many cases, forensic nurses are called as expert witnesses to explain the medical and forensic aspects of a case, such as:

#### The significance of the injuries observed.

The process used to collect and preserve evidence.

The medical and psychological care provided to the victim.

Forensic nurses must be prepared to testify clearly and objectively, ensuring that their findings are communicated in a way that is understandable to the jury, judge, and attorneys involved in the case. Their testimony can be crucial in criminal cases, especially those involving sexual assault, homicide, and abuse.

### The Impact of Forensic Evidence in Nursing

The collection of forensic evidence by nurses has far-reaching implications for both healthcare and the criminal justice system. By providing detailed medical care while ensuring the collection of vital evidence, forensic nurses serve as a bridge between the two fields. Their contributions ensure that victims receive the care they need and that the evidence collected can be used to support criminal investigations and prosecutions.

#### 1. Improved Victim Care

Forensic nurses provide holistic care to victims, addressing not only their immediate medical needs but also their emotional and psychological needs. Their specialized training allows them to offer trauma-informed care, ensuring that victims are treated with sensitivity and respect during what can be a highly distressing experience. This comprehensive approach to care helps to reduce trauma and promotes recovery.

#### 2. Legal Integrity

The ability of forensic nurses to collect and preserve evidence according to established protocols enhances the integrity of the criminal justice process. When evidence is handled properly, it is more likely to be admissible in court and can play a crucial role in securing convictions or acquittals based on the facts of the case.

#### 3. Advocacy for Justice

Forensic nurses often work as advocates for victims, ensuring they understand their rights and the legal processes involved. This advocacy is essential for those who may be unaware of the criminal justice system or who may feel overwhelmed by the investigation or legal proceedings. By supporting victims throughout the process, forensic nurses contribute to ensuring that justice is served.

### Specialized Training in Forensic Evidence Collection

To effectively perform their roles, forensic nurses undergo specialized training in forensic science, evidence collection, and legal protocols. This training ensures they are equipped to handle the complexities of forensic cases and to maintain the integrity of the evidence they collect.

**Sexual Assault Nurse Examiner (SANE) Certification:** SANEs receive specialized training in conducting forensic exams for victims of sexual assault. They learn how to collect evidence, document injuries, and provide compassionate care to survivors.

**Forensic Nursing Programs:** Nurses may pursue advanced education in forensic nursing, which includes coursework in criminology, forensic pathology, evidence handling, and courtroom testimony.

**Chain of Custody Protocols:** Forensic nurses must understand the legal aspects of evidence collection, including maintaining the chain of custody to ensure evidence remains admissible in court.

### Conclusion

Forensic evidence in nursing plays an essential role in both the care of victims and the pursuit of justice. Forensic nurses are uniquely positioned to provide medical care while simultaneously gathering and preserving evidence that is crucial in solving crimes. Their expertise in evidence collection, documentation, and testimony enhances the criminal justice system by ensuring that physical and biological evidence is handled correctly and used effectively in legal proceedings.

As the field of forensic nursing continues to evolve, its importance in both healthcare and the criminal justice system becomes ever more evident. By bridging the gap between medicine and law, forensic nurses provide a vital service that contributes to the safety, well-being, and justice of individuals and society as a whole.

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