



VIOLENCE RESEARCH LAB

The effect of medical records of injured person on criminal procedure

Marija Baković, Davor Mayer

Institute of Forensic Medicine and Criminalistics
School of Medicine, University of Zagreb



VIOLENCE RESEARCH LAB

- Documentation of sustained physical injuries and analysis on mechanism and dynamics of their emergence is an important factor in prosecution of cases with elements of violence
- Forensic/Legal Medicine → Clinical Forensic Medicine



VIOLENCE RESEARCH LAB

WHAT IS CLINICAL FORENSIC MEDICINE?

S. Pollak, P. Saukko, in [Encyclopedia of Forensic Sciences \(Second Edition\)](#), 2013

- Clinical Forensic Medicine deals with the investigation of living persons and with the assessment of medical findings in the context of the administration of justice
- ... the examination of victims and suspected perpetrators in cases of criminal assault, rape, child abuse, and domestic violence ...
- Traffic medicine
- Age estimation in persons having no personal documents
- Assessment of fitness to be detained and interrogated
- ...



VIOLENCE RESEARCH LAB

International Journal of Legal Medicine (2019) 133:317–322
<https://doi.org/10.1007/s00414-018-1880-y>

ORIGINAL ARTICLE



European council of legal medicine (ECLM) guidelines for the examination of suspected elder abuse

E. Keller¹ · C. Santos^{2,3} · D. Cusack^{4,5} · M. Väli^{6,7} · D. Ferrara^{8,9} · B. Ludes¹⁰ · P. Mangin¹¹ · J. J. Payne-James¹² · D. N. Vieira¹³

International Journal of Legal Medicine (2018) 132:1671–1674
<https://doi.org/10.1007/s00414-018-1791-y>

ORIGINAL ARTICLE



Guidelines examination of victims of sexual assault harmonization of forensic and medico-legal examination of persons

B. Ludes¹ · A. Geraut² · M. Väli^{3,4} · D. Cusack^{5,6,7} · D. Ferrara⁸ · E. Keller⁹ · P. Mangin¹⁰ · D. N. Vieira¹¹

info@violence-lab.eu | www.violence-lab.eu
Trg Republike Hrvatske 14 | 10 000 Zagreb, Croatia
Tel. +385 (0)1-6449-470 | Fax +385 (0)1-6449-473

Int J Legal Med (2008) 122:73–76
DOI 10.1007/s00414-007-0157-7

TECHNICAL NOTE

Guidelines for doctors attending detainees in police custody: a consensus conference in France

Patrick Chariot · Philippe Martel · Michel Penneau ·
Michel Debout

Medscape Pathology & Lab Medicine ▾

NEWS & PERSPECTIVE DRUGS & DISEASES CME & EDUCATION ACADEMY CONSULT VIDEO

Drugs & Diseases > Emergency Medicine > Domestic Violence Q&A

What should be documented in the medical record of a victim of domestic violence?

Updated: Jul 30, 2018 | Author: Lynn Barkley Burnett, MD, EdD, LLB(c); Chief Editor: Barry E Brenner, MD, PhD, FACEP [more](#)

MEDICAL PHYSICAL EXAMINATION OF ALLEGED TORTURE VICTIMS

A practical guide to the Istanbul Protocol
– for medical doctors



croVIMO
University of Zagreb
Faculty of Law



VIOLENCE RESEARCH LAB

- Good medical documentation on physical examination of victim can answer many questions of legal interest:
 - Which injuries
 - How many injuries
 - Where
 - When
 - By what means
 - What kind of instrument
 - Level of force used
 - Fall vs. punch
 - Is it self-inflicted
 - Can it be accidental
 - And so on...



VIOLENCE RESEARCH LAB

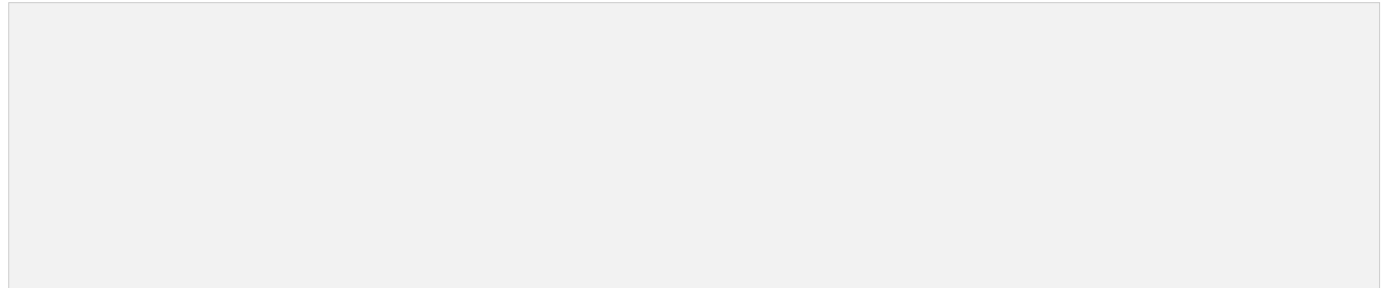
STATE OF CLINICAL FORENSIC MEDICINE IN EUROPEAN UNION

Overview of clinical forensic services in various countries of the European Union, Sophie Kerbacher et al. (2020), Forensic Sciences Research, 5:1, 74-84, DOI: [10.1080/20961790.2019.1656881](https://doi.org/10.1080/20961790.2019.1656881)

- Forensic Medicine with Clinical Forensic Medicine is widespread in EU countries
- Clinical forensic medicine examination is not available to all injured persons in EU countries
- In many countries this service is limited to restricted parts of the territory and/or in restricted hours
- The availability of clinical forensic medicine expert examination of an injured person is not consistent within one country (urban vs. rural areas)
- Croatia
 - Clinical forensic medicine examination is available on request in four Institutes located in four major cities



VIOLENCE RESEARCH LAB



EXPECTATIONS



REALITY



VIOLENCE RESEARCH LAB

- The reality:

- The initial examination of an injured person is usually performed by medical doctors of different specialties such as emergency medicine, pediatric medicine, surgeons, general practitioners/family doctors
- The examination is usually performed for diagnostic and, if necessary, therapeutic purposes
- Often the initial examination is the only examination performed in cases of minor injuries
- Clinical examination of an injured person together with injury documentation should be within the scope of skills of any licensed medical doctor
- Unfortunately, documentation of injuries is rarely done fully and appropriately, partly due to the immediate necessity of therapeutic intervention, but also in part due to absence of training



VIOLENCE RESEARCH LAB

MEDICAL DOCUMENTATION

- Clinical record keeping is an integral part of good clinical practice and the delivery of quality healthcare
- The content of medical documentation is regulated by the national laws
 - On a European level there is no set guidance dictating the format or content of clinical notes – the inputs vary widely from detailed lists to simple references
 - Croatia: ... doctors should keep accurate, detailed and dated medical documentation that is sufficient enough to give any information on the patient's state of health and treatment
 - UK: ... doctors should keep clear, accurate, and legible records, reporting the relevant clinical findings, the decision made, ...



VIOLENCE RESEARCH LAB

info@violence-lab.eu | www.violence-lab.eu
Trg Republike Hrvatske 14 | 10 000 Zagreb, Croatia
Tel. +385 (0)1-6449-470 | Fax +385 (0)1-6449-473



the importance of medical documentation



<https://www.scp-health.com> › blog › [Prevedi ovu stranicu](#)

Reasons Medical Record Documentation Is Vital | SCP Health

Documentation communicates the what, why, and how of clinical care delivered to patients. These records allow other clinicians to understand the patient's ...

<https://work.chron.com> › importan... › [Prevedi ovu stranicu](#)

Importance of Medical Documentation - Work - Chron.com

The primary purpose of documentation in the hospital is to ensure that patients get the care they need by providing medical professionals the information ...

<https://www.samerkanaanmd.com> › pdf › importa... › [PDF](#)

The Importance of Documentation: The Medical and Legal ...

at the record would need to know to treat that patient. ➤ Significance of Medical Documentation. ➤ Essential for standards of care to be met. ➤ Medical ...
49 stranica

<https://www.medicalprotection.org> › ... › [Prevedi ovu stranicu](#)

The importance of keeping good medical records

For health professionals, good medical records are vital for defending a complaint or clinical negligence claim; they provide a window on the clinical judgment ...

<https://journal.ahima.org> › the-imp... › [Prevedi ovu stranicu](#)

The Importance of High-Quality Clinical Documentation

1. tra 2020. — CDI programs that promote high-quality documentation not only support the capture of appropriate reimbursement but also the quality of care ...

<https://publishing.rcseng.ac.uk> › full › [Prevedi ovu stranicu](#)

THE IMPORTANCE OF CLINICAL DOCUMENTATION - Royal ...

autor: JL Douglas-Moore · 2015 · Spominje se 3 puta — The quality of clinical documentation assists in optimising the patient's care. Medical notes are a vital means of...

<https://www.thebridgeclinic.com> › t... › [Prevedi ovu stranicu](#)

This is Why Medical Records are Important - Bridge Clinic

1. velj 2018. — Comprehensive and accurate medical records empower healthcare professionals to treat patients to the best of their ability. Every single ...

<https://www.cmpa-acpm.ca> › pages › [Prevedi ovu stranicu](#)

Importance of medical records - Documentation - CMPA

Importance of medical records · facilitate good care · allow a subsequent caregiver to understand the patient's condition and the basis for the current ...

<https://www.ncbi.nlm.nih.gov> › pmc › [Prevedi ovu stranicu](#)

How to keep good clinical records - NCBI

autor: A Mathioudakis · 2016 · Spominje se 91 puta — Good clinical notes document the



VIOLENCE RESEARCH LAB

THE IMPORTANCE OF MEDICAL DOCUMENTATION FROM THE DOCTORS POINT OF VIEW

- **Communication among health care personnel**
- **Tracking patients healthcare history**
- **Malpractice claims**
- **Billing and funding purposes**
- Follow up on the quality of healthcare services
- Medical research - effectiveness of therapies, treatments, outcome predictions, statistical studies
- Administrative purposes
- To satisfy legal and ethical obligations
- Educational purposes
-
- For insurance cases, personal injury suits, workmen's compensation case, criminal cases, and will cases



VIOLENCE RESEARCH LAB

THE IMPORTANCE OF MEDICAL DOCUMENTATION FROM THE DOCTORS POINT OF VIEW

Reasonable Doubt: The Use Of Health Records In Legal Cases Of Violence Against Women In Relationships. Authors Jill Cory, Olena Hankivsky, Gisela Ruebsaat, Lynda Dechief

- Thoughts on the purpose of health records
- Attorneys/lawyers/prosecutors:
 - A form of evidence to be used in legal proceedings
 - Less than 20% reported that they do not access records
- Health Professionals:
 - To document health care treatment and follow-up
 - To be able to communicate among a health care team for continuity of care
 - For issues of professional liability
 - Just over half saw health records as being created to assist patients, and specifically those who have been abused



**VIOLENCE
RESEARCH
LAB**

DOCTORS MISPERCEPTIONS OF CRIMINAL PROCEDURE

Isaac & Enos, Medical Records As Legal Evidence of Domestic Violence

- Health Care Professionals' Misperceptions of Legal Issues
- ... underestimate the need for evidence to corroborate claims of abuse made in legal settings
- ... assume that police evidence is generally sufficient, and medical information is seldom needed
- ... believe that the term "domestic violence" in a diagnosis field constitutes sufficient documentation of the issue for both medical and legal purposes



VIOLENCE RESEARCH LAB

WHAT CAN DOCTORS HEAR ABOUT LEGAL ISSUES DURING THEIR EDUCATION?

- During education, medical students and doctors receive little information on the importance of medical records in criminal procedures and, in general, on basic facts about legal proceedings
- Forensic medicine is found in most curriculums of European medical undergraduate education of medical doctors, either as elective or compulsory course
- Forensic medicine education in Croatia for undergraduate medical students
 - Compulsory course
 - Run on a 2-week cycle of 50 teaching hours
 - Sixth year of study
 - Injury documentation is one of the topics covered



VIOLENCE RESEARCH LAB

MOST COMMON ERRORS IN MEDICAL DOCUMENTATION

‘I believe you, you suffered so much’

- Characteristics:
 - Very extensively described history
 - Number of vague diagnosis
 - Lack of description of objective findings

‘OK, let’s summarize’

- Characteristics
 - Very brief description of obviously present injuries
 - ‘Multiple bruises on the body’

‘Not my area’

- Characteristics
 - Gynecologist ignoring the presence of injuries outside genitalia (thighs, buttocks)
 - Dentist ignoring the face injuries when examining teeth
 - And so on ...

‘Let’s be super-formal’

- Characteristics
 - Use of ICD codes only
 - Y08 Assault by other specified means
 - S00 Superficial injury of head
 - S09 Other and unspecified injuries of head
 - And so on ...



VIOLENCE RESEARCH LAB

SO, IS MEDICAL DOCUMENTATION USEFUL FOR CRIMINAL PROCEDURE?

- **Child sexual abuse—Medical statement conclusions in criminal legal process.** Minna Joki-Erkkila, Jenni Niemi, Noora Ellonen. Forensic Sci Int. 2014 Jun;239:31-6. doi: 10.1016/j.forsciint.2014.03.006. Epub 2014 Mar 19. PMID: 24727220.
- **Relevance of medical reports in criminal investigations of cases of suspected child abuse.** Katharina Janßen & Dominik Greif & Markus A. Rothschild & Sibylle Banaschak. Int J Legal Med. 2017 Jul;131(4):1055-1059. doi: 10.1007/s00414-017-1533-6. Epub 2017 Jan 20. PMID: 28105495.
- **Developing the Geriatric Injury Documentation Tool (Geri-IDT) to Improve Documentation of Physical Findings in Injured Older Adults.** Kogan AC, Rosen T, Navarro A, Homeier D, Chennapan K, Mosqueda L. J Gen Intern Med. 2019 Apr;34(4):567-574. doi: 10.1007/s11606-019-04844-8. Epub 2019 Feb 13. PMID: 30761452; PMCID: PMC6445929.
- **An Intervention to Improve Documentation of Intimate Partner Violence in Medical Records.** Author(s): V. Pualani Enos, Judith A. Linden, Lisa Tieszen, Judith Bernstein, Jody Brown Document No.: 207146 Date Received: October 5, 2004
- **Documenting Domestic Violence: How Health Care Providers Can Help Victims.** Nancy E. Isaac and V. U.S. Department of Justice (DOJ), 2001. Pualani Enos. <https://www.ojp.gov/pdffiles1/nij/188564.pdf>
- And so on ...



VIOLENCE RESEARCH LAB

- Medical documentation is an important part of criminal procedure related to the violent acts
- Even with its flaws, it can help determine number of facts vital for criminal case
- The results can be even better
 - It should be produced and used more often
 - It should be of better quality



VIOLENCE RESEARCH LAB

CAN WE IMPROVE THE EFFECT OF MEDICAL DOCUMENTATION IN CRIMINAL PROCEDURES?

- **Police**
 - Clearly articulate to the injured persons the importance of physical examination and injury documentation even when minor injuries are in case
- **Doctors**
 - Become aware of the importance of detailed physical examination in cases of injuries sustained in violent acts (even minor ones)
 - Seek forensic medicine expert assistance when needed
- **Prosecutors**
 - Use medical documentation when available
 - Ask for medical examination when necessary – seek for forensic medicine expert to examine the injured person
- **Forensic/legal medicine experts**
 - Educate clinical doctors on proper examination of injured persons
 - Be available for consultation for the clinician colleagues