

Received: September 25, 2017

Revision Received: October 10, 2017

Accepted: November 1, 2017

OnlineFirst: March 1, 2018

Copyright © 2018

Sanitas Magisterium Education Cooperative

sanitasmagisterium.com

Approach to Material Evidences and Protection of Material Evidences in Emergency Healthcare Services

Temel Kılınçlı¹
Uskudar University

Elif Mirza

Abstract

One of most frequently encountered case in providing emergency health services before hospitalization is judicial cases. Approach to judicial cases are quietly important in context of protection of material evidences. 112 Emergency Health Staff take place on scene among arriving team in a short time when the case occurs. By law 112 Emergency Health, teams are responsible for protection of evidences while they furnish medical intervention to those who are ill/injured or died. Although priority of emergency health staff is to provide emergency medical interventions. They are also responsible for gathering, protecting and saving of the evidence in the scene. The evidence is good to solve the controversy, to prove the act of criminal, to reveal the details of criminal, to determine the individuals related criminal. Thus, it is very important in context of judicial cases. Although the attentive studies which are helded by emergency health staff while protecting material evidences would accelerate the judicial process in context of revealing that concrete case, damaging the material evidence of during medical intervention would make judicial process hard. In this regard, arranging course on the approach to judicial cases for active health staff would contribute to reveal.

Keywords:

Evidence, Judicial Case, 112 Emergency Aid

1. Correspondence to: Temel Kılınçlı, Healthcare Services Vocational Scholl, temelkilinecli@uskudar.edu.tr

The point of interest of Emergency Health Services before Hospitalization is related with all kinds of life-threatening cases (wounding, downfall, traffic accident etc.) where occurs out of hospital. The most important part of cases comprises of life- theating judicial cases. Judicial case can be described as woundings which occurs as a result of intentionally, unwary or careless behaviors to someone. 112 Emergency Health Staff may provide medical intervention to judicial cases like suicide, sexual assault, family violence, abuse, wounding, accidents, using alcohol, drug addiction, food and medicine poisoning, criminal abortion, malpractices etc. 112 Emergency teams are the first contacts for the patients, their relatives and eyewitnesses and who see the material evidences. Number of real judicial cases is not known because of keeping secret by not reporting to police. Because of fact that 112 Emergency Health Staff provides their services to patients by force of nature of the medical services, they may play an important role in context of revealing the judicial case. The obligation of reporting the crime is underlined in Turkish Penal Code. According to 280. article of Turkish Criminal Code, the health worker who does not report to competent authority or retards though encountering glimpse related the crime is punished with imprisonment up to one year. As can be understood via legal obligation, it is necessary to gather, protect, save and register the evidences. The duty of health staff who provide emergency care is not involving to different specialty areas (polis, solicitor, forensic expert), but ensuring coordination between different institutions and researching by using its specialty knowledge. Otherwise, while judicial review may be beclouded, the court may also miscall due to the laxity or careless of health staff. In this respect, it must be aimed that 112 Emergency Health Staff consist of who have experience and knowledge for judicial cases. Judicial evaluation must be known to result in a short time. Elements of judicial evaluation are to take medical history, psychical examination, to gather, describe, protect, register of evidence and to manage crisis in the scene.

Scene Management in Judicial Cases

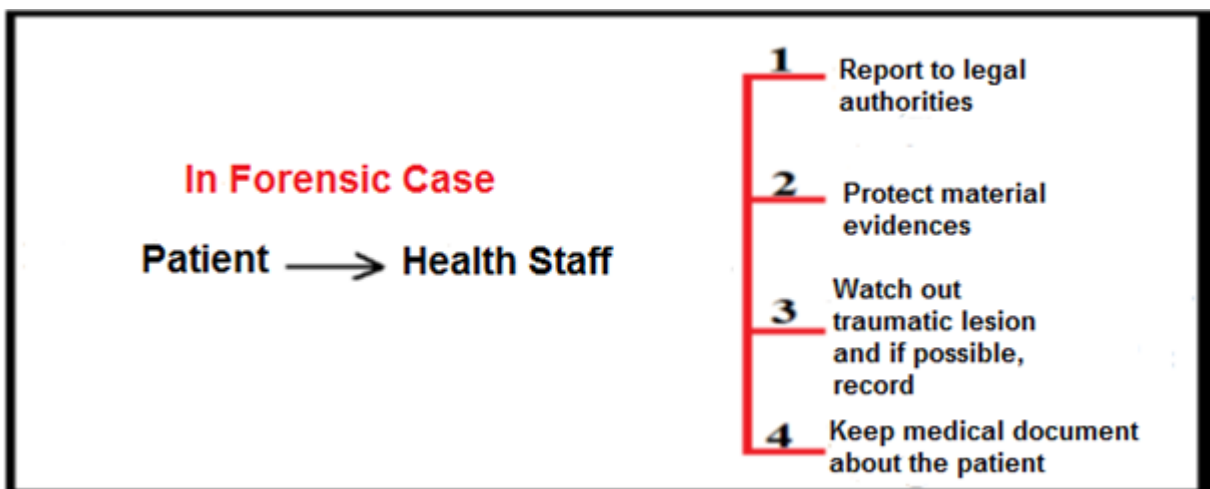
The securities of scene and health staff are fundamental component in emergency situation. Investigation of judicial case and protection of material evidences can be discussed after ensuring security of them. Otherwise, it is likely to affect judicial and health dimensions of the services. The health staff's experiences and knowledges on scene management is quietly effective in evaluating judicial case. When compared with judicial cases, attitudes like prejudgement and the behaviors like plaguesome looking would be elements which make heavy weather of it. The attitudes and behaviors towards the case can contribute to scene management positively or negatively. Controlling the emotions, objective approach to judicial case, not intermixing professionalism and emotion in medical intervention are expected attitudes from emergency health staff. Instead of being quizzical, derogatory, othering communication type, being sincere, understanding and helpful attitudes and behavior effects in scene management and gathering evidences positively. Individuals may not want to share their special information without trusting health staff and good communication. Effective communication depends on trust and respect. While explanation of all process which would implicate laconically for individuals would facilitate all works which are undertaken by health staff, it also would enhance sense of trust of individuals. Speaking to the individual by empathizing and listing are pretty important. Fear, anxiety, shame, depression, suicide attempt, self-recrimination and behavior disorders, self-harm, using alcohol, substance-use disorders of the individual must be observed by considering the mood, protection, record, not changing the place of material evidences related the crime, generating secure way to

scene, taking precaution for secondary risks are expected behaviors of health staff in judicial cases which are resulted in death. Emergency health staff may encounter legal sanctions if they cause to delete or secret the evidences consciously or unconsciously during intervention to the judicial case. In this regard, being more disciplined and painstaking is quietly important in context of security of material evidences. The importance of recording of judicial evidences have been underlined in regulations. According to 15. article of The Ambulance and Emergency Health Vehicles with Ambulance Services Regulation: “Ambulance and emergency care technician is responsible for medical interventions practiced in emergency health vehicles which have not any physician, recording medical information concerning patients regularly, appending all medical interventions to patient file”. Correct recording is as important as proper invention to judicial cases.

Taking Medical History and Reporting to Legal Authorities in Judicial Case

While taking medical history in addition to general disease history as; “what happened?”, “where happened”, “when happened”, “how happened. Good communication and giving trust to patient would arise positive results in context of reaching correct information while listened patient complaint and given information related to case. Verbal expression of patient must be recorded without changing by no means. Experienced, trained and informed health worker which would take medical history will facilitate all process in context of protection of material evidences. Selecting clear words and asking questions which can be answered by patient easily would be useful in revealing of the judicial case. If the patient is unconscious or lose the ability of speaking, it must be tried to take information about concrete case from eyewitness in the scene. It should be communicated with police force and careful about obtaining correct information while fulfilling these acts. If the patient’s contradictory expressions and suspicious behaviors are observed by emergency health staff and he/she rejects treatment or transplantation in order to whitewash the judicial case, it should be reported to legal authorities. In addition to medical intervention to judicial cases, many important process steps like protection of material evidence, reporting to legal authorities and recording have been given below:

Figure 1.
Approach to the patient in forensic case



Examination and Evaluation in Judicial Case

It requires that physical examination of suspect and victim must be realized in order to check any trace out and to reach evidence related to the crime. But, physical examination before hospitalization cannot be realized in the scene to reveal the crime. One of the principal responsibilities of health staff is to protect the evidence which is found on the patient until physical examination of suspect and victim is realized. If necessary, it must be hindered to changing clothes, washing face, having bath, relieving oneself of suspect or victim. Although gathering evidences and realized examination for taking tissue sample which would reach to the doer are issues related to forensic science, protection of these evidences is related to emergency health services before hospitalization. Therefore, conducted studies within coordination between different institutions would facilitate the solution of judicial cases.

Gathering Evidences in Emergency Before Hospitalization

Everything which is used by the suspect for crime has evidential value. It is so important to benefit from any type of judicial evidences in context of illumination of concrete case. Type of judicial evidences is also;

- Psychological Evidences (guns and fireless weapons)
- Biological Evidences (blood, clay, saliva, nasal discharge, semen, bran, skin rash, nail, urine etc.)
- Chemical Evidences (soil sample, gunshot residue, bottles shards, hype etc.)
- Trace Evidences (fingerprint, track, footprint, tooth trace etc.) as classified.

Emergency health services' staff must put personal protective clothes on (gloves, bone, glasses, uniform etc.) during intervention to judicial cases for protection of the evidences. Using one way to entrance to the scene by generating security path would prevent to damage the evidences. It must be moved carefully on a determined route to not throw about evidences. Except medical equipment which is on patient, it must not to be left any material and to be taken from the scene. At the same time, emergency health staff must not eat and drink something and not move any material (pull sofa, pillow, plate, table, cupboard, chair etc.). If moving these materials is compulsory, the changing must be done as to be enough for medical intervention. Also, photographs must be taken before changing and must be reported to police.

It is taken in consideration that pathological sampling and medical examination for the suspect must be done to obtain any evidence. For example, the changing clothes, having bath, if it possible relieving oneself of the victim who is sexually abused must be prevented. Although gathering evidence is not first responsibility of health staff, it is undeniable really that they play significant role because they can be first-rate witness in context of revealing the case. According to 278. Article of Turkish Criminal Code, health staff which arrived to the scene firstly must report the judicial case to legal authorities (polis, military police). In addition, the materials which can be evidence must be protected painstakingly by health staff. Otherwise according to 281. Article of Turkish Penal Code, it can be matter of the crime of concealing the evidence for health staff. Equipment which is used for medical intervention must be left onto patient and must be dispatched like that in judicial cases which are result in death. Invasive procedures realized during medical intervention must be marked on patient. If probable acts to conceal the evidences take place, judicial polices are responsible for preventing it as required by law. According to 168 Article of Turkish Penal Code, the judicial police preclude those who hinder the process of crime scene investigation until the end of it. Emergency health staff must not forget that there are extra tasks in addition to their priority responsibilities and must work carefully and



painstakingly during medical intervention.

Conclusion

In accordance with the nature of the occupation of 112 Emergency, health staff encounters judicial cases before hospitalization. Although it is expected condition of 112 Emergency Health Staff encounters these cases, discernment of these cases from other cases and protection of evidences by health staff are different job for expert. All of the process can be possible with having theoretical knowledge, experience, comprehension, ability for it. For this, it necessitates to be added, primarily into paramedic curriculum, the course of “Judicial Paramedic”. In this way, the candidate of paramedic pupils taking course about judicial cases and reinforcing with practice would develop professional behaviors when they encounter it after graduation. It would be useful that the managers employing health staff for emergency health services before hospitalization have an attitude about supporting attendance of organized training course related to judicial cases in context of the service output. In this way, ensuring coordination between security forces and health staff would contribute to run the process fast and correctly.

References

- Resmi Gazete, Acil Sağlık Hizmetleri Yönetmeliği, 11 Mayıs 2000, Sayısı: 24046 <http://www.resmi-gazete.org>, Accessed Date: 02.01.2017.
- Resmi Gazete, Ambulans ve Acil Sağlık Araçları İle Ambulans Hizmetleri Yönetmeliği, 07.12.2006, Sayı; 26369, <http://www.resmi-gazete.org>, Accessed Date: 04.01.2017.
- Resmi Gazete, Türk Ceza Kanunu, 12.10.2004, Sayısı: 25611 <http://www.resmi-gazete.org>, Accessed Date: 08.01.2017.
- Resmi Gazete, Polisin Adli Görevlerinin Yerine Getirilmesinde Delillerin Toplanması, Muhafaza ve İlgili Yerlere Gönderilmesi Hakkında Yönetmelik, 17.02.1983, Sayısı: 17962 <http://www.resmi-gazete.org>, Accessed Date: 18.12.2016.
- Resmi Gazete, 657 sayılı Devlet Memurları Kanunu, 23 Temmuz 1965, Sayısı: 12056, <http://www.resmi-gazete.org>, Accessed Date: 05.12.2016.
- T.C Anayasası, 2010 Yılı Değişikliği, T.C Anayasası El Kitabı, 2010.
- Günday, M. (2008) Kamu Görevlileri, (Ed. Yıldırım T.), Eskişehir, Anadolu Üniversitesi, Hukuk Fakültesi,
- Kılınçlı, T.(2016) Paramediklerin Hukuk ve Ceza Sorumlulukları ,2. International Journal of Health Administration and Education Congress Book. Gebze/Turkey.