

# **Guidelines for**



# Forensic Medical Examination in Sexual Assault cases

(2018)

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#### 1. Introduction

The rational for collecting forensic evidence is to link a suspect to the victim of the crime. In order to collect suitable forensic evidence, the Medical Practitioners must understand the types of evidences present in sexual assault cases. Specimens may corroborate contact between individuals or between an individual and a location; evidence of contact occurs at the time of the offence. Specimen collection should be performed soon after the incident occurred in order to minimize loss and degradation of the biological samples.

The aim of this booklet is to provide practical approaches and guidelines for Medical Practitioners to manage biological evidence for DNA analysis more efficiently and effectively. Proper management of biological evidence is critical for forensic DNA profiling as it affects the integrity of the final results. Due to this speculation, special attention has to be paid for examination of the victim and also other steps involved in selection, collection, packing, sealing, labeling, storage, preservation, transportation and maintenance of biological samples.

#### 2. Role of Medical Practitioners

Medical practitioners play a dual role in responding to the survivors of sexual assault. The first is to provide the required medical treatment and psychological support. The second is to assist survivors in their medico-legal proceedings by collecting evidence and ensuring proper documentation.

Examination of a case of rape shall be conducted by a Registered Medical Practitioner (RMP). According to sec 27(2) POCSO ACT, in the case of girl below eighteen years the examination can only be conducted by a female RMP employed in a hospital run by the government or a local authority and in the absence of such a practitioner, by any other RMP (Section 164 A of Cr PC) with the consent of victim or of a person competent to give such consent on victim's behalf within twenty-four hours from the time of receiving the information relating to the commission of such offence. Parental consent is mandatory to medico- legally examine a victim below the age of eighteen years.

The victim (minor or adult), the parent/guardian/person in whom the victim reposes trust, has the right to refuse either medico-legal examination or collection of evidence or both, but that refusal will not be taken as denial for medical treatment of survivor after sexual violence.

The examining RMP or hospital is required to inform the police about the sexual offence. However, if the survivor does not wish to lodge FIR or to involve in police investigation, RMP is bound to provide medical treatment to the victim. Informed refusal will be documented in such cases. According to sec 27(2) of POCSO act, every hospital and doctor is bound to provide free first aid or medical treatment to the victims of rape and also bound to intimate the police of the same.

The stepwise approach to be followed by a RMP for a comprehensive response to the sexual violence survivor is mentioned below:

- 1. Initial Resuscitation/First Aid
- 2. Informed consent for examination, evidence collection, police procedures
- 3. Detailed history of offence as informed by the victim
- 4. Medical examination
- 5. Age estimation (Physical/Dental/Radiological) if requested by the investigating agency.
- 6. Evidence collection as per the protocol
- 7. Documentation
- 8. Packing, sealing and handling over the collected evidence to police
- 9. Treatment of injuries
- 10. Testing/prophylaxis for STIs, HIV, Hepatitis B and pregnancy.
- 11. Psychological support & counselling

#### 3. Medico-legal Examination of Sexual Assault victim

- Medical Practitioners shall inform the person being examined about the nature and purpose of examination and in case of child to the child's parent/guardian/or a person in whom the child reposes trust. The medico-legal examination includes removal and isolation of clothing, scalp hair, foreign substances from the body, pubic hair, samples taken from the vagina, anus, rectum, mouth and reference blood sample.
- Per vaginum examination (two-finger test) must not be conducted for establishing an
  incident of sexual violence and no comment should be made on the size of vaginal
  introitus, elasticity of the vagina or hymen or about past sexual experience or
  habituation to sexual intercourse as it has no bearing on a case of sexual violence.
- Medical Practitioners should examine carefully and record the details of sexual violence informed by the victim such as injuries, bleeding, swelling, tenderness etc.
   Sexual violence is commonly perpetrated against females; it may also be perpetrated against males, transgender and intersex persons.
- The nature of forensic evidence collected will be determined by three main factors:-
- Nature of sexual violence
- Time lapsed between incident of sexual violence and examination
- Whether survivor has bathed or washed herself after the occurrence of the incidence.

The details of biological specimens usually collected by medical practitioners during forensic medical examination in case of sexual assault is given as detailed below:

Specimens or samples	Collection	Purpose
Clothings	<ul> <li>The victim should undress on a clean white sheet of paper in order to collect any foreign matter that may fall to floor from herself or her clothing.</li> <li>Ensure whether the clothes are incidental or they have been changed.</li> <li>Items such as hosiery or bra, underpant, blouse, shirt, salwar etc. should be collected and placed in paper bags. Wet or blood-stained clothing should be air dried before packing in paper bags.</li> <li>Each piece of clothing must be folded inward, placing a piece of clean paper against any stain, so the stains are not in contact with the bag or other parts of clothing.</li> <li>Ensure packaging is properly labeled and delivered to laboratories as soon as possible.</li> </ul>	<ul> <li>Detection of blood, saliva, semen, vaginal secretions etc. on clothing.</li> <li>Identification of victim or accused(s) by DNA Profiling</li> </ul>
Sanitary pad/ Tampon	<ul> <li>Sanitary pad must not be removed if it is attached to the underpant.</li> <li>If the sanitary pad was detached from the underpant at the time of medical examination, the sticky side of the sanitary pad must be covered by the waxed sheet to prevent the pad from sticking to the paper collection bag.</li> </ul>	<ul> <li>Presence of spermatozoa/ semen.</li> <li>Identification of accused(s) by DNA profiling.</li> </ul>
Condom	☐ The condom used during assault may be collected and swabbed separately from inner and outer surface.	☐ Presence of semen/spermatozoa (inner surface) and vaginal epithelial cells (outer surface).

Evidence on body	<ul> <li>This is done to collect and preserve any physical or biological evidence that may be present on the body of victim or accused.</li> <li>The evidence site on the body surface</li> <li>may be determined by asking the patient, by examination and by use of the Ultraviolet light source, which will reveal stains that are invisible in normal light.</li> <li>The swabs in the kit should be used for collecting evidence material. Moisten the swabs by using Phosphate Buffered Saline (PBS)/saline/molecular grade water for lifting suspected stains from the body surface.</li> <li>Areas that may be swabbed include the</li> </ul>	Detection of spermatozoa/semen, saliva, blood etc.     Identification of victim or accused(s) by DNA profiling.
	<ul> <li>Areas that may be swabbed include the breasts, face, neck and hands.</li> <li>If bite marks are present, they should be photographed with and without the evidence documentation ruler after taking the necessary swabs.</li> <li>Any foreign hair sample present on the body surface should be collected using sterilized forceps and packed separately in a catch paper which should be properly folded and labeled.</li> </ul>	

Head hair	<ul> <li>Hair sample should be collected using clean forceps.</li> <li>Where there is evidence of semen or other matted material on head hair, it may be collected with the help of a moistened swab. Matted hairs may be collected using sterilized scissors and forceps and packed in another sheet of paper which should also be folded and labeled.</li> <li>Control samples of body, scalp and auxiliary hairs should be taken, ideally by plucking (not by cutting the tips) to obtain hair root that contain adequate DNA for the analysis.</li> </ul>
Pubic hair	<ul> <li>A sheet of catch paper should be placed under the buttocks.</li> <li>Pubic hair should then be combed with the comb using downward strokes so that any loose hair or debris will fall onto the paper which should be carefully folded</li> <li>Detection of spermatozoa/ semen, blood, saliva etc.</li> <li>Identification of victim or accused(s) by DNA profiling.</li> </ul>
	<ul> <li>and labeled.</li> <li>Combing the pubic hair with gloved fingers may also be assisted in obtaining samples of loose hair or debris.</li> <li>Any matted pubic hair which indicate the presence of blood or semen should be collected using sterilized scissors and forceps and packed in another sheet of paper which should also be folded and labeled or matted material may be collected with the help of a moistened swab.</li> <li>For reference purposes in order to obtain a comparative sample from the victim, pubic hair should be collected, ideally, by plucking and not by cutting the tips to obtain hair root.</li> </ul>

Vulval swab	<ul> <li>Vulval swab should be taken prior to the collection of Vaginal or cervical swabs.</li> <li>To collect vulval swab, labia majora should be separated carefully with the left hand. Swabbing should be done around the inner surface of the labia minora and fossa navicularis as shown in figure 1.</li> </ul>	<ul> <li>Detection of spermatozoa/ semen.</li> <li>Identification of accused(s) by DNA profiling.</li> </ul>
Vaginal swab	☐ Swabs of the vaginal fornices are essential to collect any saliva or semen that may be present in vaginal area. Swabs of anterior and posterior vaginal fornices should be taken using a vaginal speculum as shown in figure 2.	<ul> <li>Detection of spermatozoa/ semen.</li> <li>Identification of accused(s) by DNA profiling.</li> </ul>
Cervical swab	☐ Swab should be taken from cervical orifice by collecting as much of the mucous plug as possible. The cervical swab collection along with smear preparation on slide is shown in figure 3.	<ul> <li>Detection of spermatozoa/ semen.</li> <li>Identification of accused(s) by DNA profiling.</li> </ul>
Anal / Rectal swab	<ul> <li>In case of possible ano-rectal assault, external anal and rectal swabs should be collected. The swab should be slightly moistened with sterile water and the anus carefully swabbed, slightly extending into the anal canal.</li> <li>When conducting the rectal swab, gentle</li> </ul>	<ul> <li>Detection of spermatozoa/ semen.</li> <li>Identification of victim or accused(s) by DNA profiling.</li> </ul>
	lateral traction (separation of the cheeks of the buttocks) should be applied for about three minutes to allow for dilation of the anal sphincter. The anal/rectal swab collection is shown in figure 4.	
Oral swab	Oral swabbing is essential to collect seminal fluid in the oral cavity where there is suspected oro-genital contact. The oral swab collection is shown in figure 5.	<ul> <li>Detection of spermatozoa/ semen.</li> <li>Identification of victim or accused(s) by DNA profiling.</li> <li>To corroborate oro-genital contact by the accused with the victim.</li> </ul>

Penile swab and Urethral swab	☐ Moisten the tip of swab with a drop of sterile water and roll it around the tip (glans) of the penis including the sulcus and urethral meatus. The inside of the foreskin (if present) should be swabbed. The Urethral swab collection is shown in figure 6.	<ul> <li>Detection of spermatozoa/ semen, saliva etc.</li> <li>To corroborate Penovaginal contact between accused and victim.</li> </ul>
Smear slides (Vaginal, cervical, anal, oral etc.)	<ul> <li>A smear on a glass slide can also be prepared by rolling a swab (Vaginal, cervical, anal, oral etc.) over a slide without rubbing it as the latter may cause the spermatozoa to break and thereby give a false negative result.</li> <li>Moisten the swabs by using PBS/saline/molecular grade water for lifting suspected dry seminal stains from the body surface.</li> </ul>	□ Detection of spermatozoa/ semen.
Nail clipping/ Nail scraping	☐ Fingernail clippings and fingernail scrapings from the left and the right hand should be collected and packed in a piece of white butter paper and put into a labeled and sealed envelope.	<ul> <li>Establish the physical contact during assault/violence.</li> <li>Identification of victim or accused(s) by DNA profiling.</li> </ul>
Urine sample	☐ Urine should be taken into leak proof sterile plastic container.	<ul><li>Pregnancy test.</li><li>Detection of spermatozoa/</li></ul>
Vaginal wash	☐ Vaginal wash should be taken into leak proof sterile plastic container.	<ul><li>semen.</li><li>Identification of accused(s) by DNA profiling.</li></ul>
Aborted Foetus	☐ Foetal tissue samples should be collected in sterile plastic container and stored at - 20 °C.	☐ To establish paternity by DNA profiling.

• Around 3 ml of blood should be collected as reference blood sample in a purple cap (Ethylenediaminetetraacetic acid (EDTA)) tube for DNA Profiling. Few drops of blood should be taken on Flinders Technology Associates (FTA) Card/ Gauze piece and air dried.

• Approx. 3 ml of blood may be taken in grey top (Sodium Fluoride) tube for alcohol and drug tests.

- Blood grouping and DNA profile of the concerned individual (victim or accused).
- Detection of alcohol and drugs.

#### Standard reference sample

During medical examination, RMP should collect reference sample (blood) from the victim/accused(s) as the DNA profile obtained from the same is required to be compared with that of evidence biological samples. In some other case, if any, the medical officer suspects that blood transfusion or bone marrow transfer has been performed with victim/accused, oral sample is preferred. However, in case of deceased victim, the sample such as blood, tissue, nail clippings, bone etc. may be collected as reference sample.

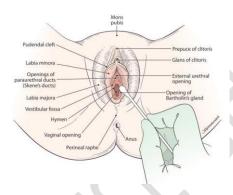


Figure 1. Vulval Swab

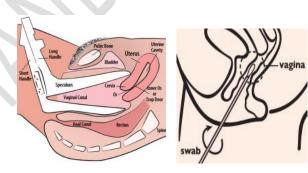
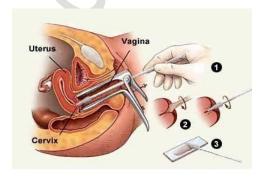


Figure 2. Vaginal Swab



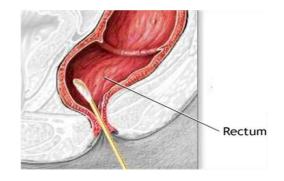


Figure 3. Cervical swab

Figure 4. Rectal/anal swab



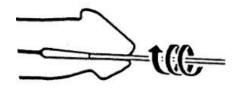


Figure 5. Oral swab

Figure 6. Urethral swab

#### 4. Storage and Preservation of Biological Specimens

- 1. Evidence specimens such as clothing, sanitary pad, tampons etc. should be air dried before packing. Extreme sources of heat such as sunlight, hairdryer etc. should not be used for drying. After drying, the items should be packed and sealed in properly labeled paper (not plastic) bags. The parcels should be stored in a cool dry place.
- 2. Swabs such as vaginal, cervical, anal, oral, penile etc. and their smear slides should be air dried before packing and stored at room temperature. Fixative should not be used in the preparation of smear slide.
- 3. Hair samples/Nail clippings should be packed in a sheet of white butter paper which should be properly folded, labeled and sealed.
- 4. Individual foreign hairs or clumps of hair should be separately packed, sealed and labeled.
- 5. Urine/Vaginal wash should be collected in a leak proof sterile plastic container and stored at 4 °C without any preservative.
- 6. Liquid reference blood sample should be stored at 4 °C and should be transported in refrigerated conditions.
- 7. Blood stained FTA cards/gauze pieces should be air dried before packing and stored at room temperature.
- 8. Foetal tissue samples should never be preserved in Formalin. It should be stored at -20 °C and transported in refrigerated conditions.

#### **5. Important Instructions to Medical Practitioners**

- 1. Exhibits should be collected, handled and stored properly to maintain their integrity
- 2. Protective devices such as gloves, mask and apron should be used during biological sample collection. Gloves should be changed after collection of every sample to avoid cross contamination. Do not touch any sample with bare hands.
- 3. Coughing or sneezing should be avoided over the area expected to carry biological material.

- 4. Disposable or sterilized devices (Scissors, Forceps, Vaginal speculum etc.) should be used for sample collection to avoid cross contamination.
- 5. Biological evidence material should not be exposed to high temperature or intense light sources.
- 6. Each exhibit should be packed separately in paper envelopes and seal properly. Do not use polythene bags.
- 7. Chain of custody should be maintained and well documented.
- 8. Following case details should be properly mentioned over the packed exhibit:
  - A. Name of person (examinee)
  - B. Description of the exhibit C. Date and time of sample collection
  - D. MLR No./PMR No.
  - E. FIR No.
  - F. Police station
  - G. Name and Signature of Medical Officer
- 9. CFSL Authentication forms viz. Blood sample authentication form (Annexure I), Sexual assault victim information form (Annexure II) and Aborted foetus submission form (Annexure III) and Autopsy specimen submission form (Annexure IV) should be duly filled and sent along with the sealed exhibits.
- 10. Attested specimen seal and signature should be sent along with the sealed exhibits.
- 11. Registered Medical Practitioner should follow the recommended guidelines and may use **Sexual Assault DNA Evidence Collection Kit (SAECK)** to collect biological specimens of victim and accused.

	Sexual Assault DNA Evidence Collection Kit (SAECK)					
Sr. No.	Name of the item	Purpose	Qty			
1.	Pair of gloves	For health & safety and to avoid	04			
2.	Mask	contamination	02			
3.	Syringe	Blood sample collection from Examinee	02			
4.	Dropper	Body fluid collection	02			
5.	Vaginal speculum	Vaginal examination and help in collection of biological specimens.	01			
6.	Pair of comb	Collection of Pubic/Head hair	01			
7.	Nail cutter	Collection of Nail clippings	01			
8.	Ampoule of sterile Distilled water/Saline/ PBS	Moistening the swab for biological sample collection.	01 each			
9.	Alcohol swab	Sterilization of surgical equipments	04			
10.	Sterilized gauze pack	Collection of body fluid stains (blood, saliva etc.)	02			
11.	Filter paper	Collection of body fluids stains (blood, saliva etc.)	05			

12.	EDTA vacutainer (purple cap)	Collection of liquid blood sample for DNA profiling	01
13.	Sodium Fluoride vacutainer (Grey cap)	Collection of liquid blood sample for drug and alcohol testing	01
14.	FTA cards	Collection of blood and saliva for storage & preservation at room temperature	01
15.	Foam tip swab	Collection of evidence biological samples (body fluid or dry stains). Collection of seminal fluid from the oral cavity, lips, breast etc.	06
16.	Sterile Uricol container	Collection of Urine sample and vaginal wash	03
17.	Sterile cotton swabs	Collection of samples from vagina, cervix, anus/rectum, urethra, mouth etc.	10
18.	Glass slides	Preparation of smear of samples collected from vagina, cervix, anus/rectum, urethra, mouth etc.	10
19.	Pregnancy detection kit	Detection of pregnancy of the victim	01
20.	Catch paper	Collection of any foreign matter that may fall from the body or clothing's of victim during examination.	02
21.	Labeled evidence paper bags/white envelopes	Packing of biological specimens and related documents	15
22.	Hand disinfectant	For health & safety and to avoid contamination	01
23.	Butter paper	Collection of hair, nail clippings etc.	02
24.	CFSL Authentication forms	For authentication of biological samples from donor.	collected

Appendix I

CFSL/CHD/FM/106/01.09.2010/II (Confidential)

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### CENTRAL FORENSIC SCIENCE

LABORATORY

DNA Division, Ministry of Home Affairs, Govt. of India, CFIs Complex, Dakshin Marg, Sector 36-A, Chandigarh – 160036.

	BLOOD SAMPLE AUTHENT		deed countries to being
collected)	zed Medical officer collecting t	the samples. Identity of person from whom b	blood sample is being
Name of person:	Father's/Guardian/	/Husband name:	Attested
Gender: Male [ ] Female [ ]	] Age Caste/	/ Origin of State:	Photograph Medical offic
Address:		PIN	
FIR/Crime		Case No:	
Collection Center Name			
Sample Collected By	San	nple Collection Date	
Collection Center Address			
Storage conditions used			
Name of the person Collecting the blood sample	Date &Time	Signature	
Name of Investigating Officer/ Representative	Date &Time	Signature	
Name of Witness	Date &Time	Signature	
Name of Witness	Date &Time	Signature ———	
Imp: A person from the opposite	e party in Paternity disputes an	d Sexual assault cases.	
<u>Chain of Custody</u> Blood samples sealed and release	ed by:	Blood samples released to:	
Mode of release: Hand delivery [		Date sent to CFSL, Chandigarh:	
		RELEASE terhereby certify that the interpretation in the second sec	formation provided above is true and accurat
		nyself for the purpose of DNA analysis.	
ISon/Daughte	ion of the blood sample from m		e &Time
ISon/Daughte I willingly consent to the collection	ion of the blood sample from m		e &Time
ISon/Daughte I willingly consent to the collection	ion of the blood sample from m		
ISon/Daughte I willingly consent to the collection Signature/thumb impression of th  For Office use only CFSL File No:	ion of the blood sample from m	Date	
ISon/Daughte I willingly consent to the collection Signature/thumb impression of th  For Office use only CFSL File No:	ion of the blood sample from m	Date  Sample received on:	

Appendix II

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CFSL/CHD/FM/106/01.09.2010/III

(Confidential)

CENTRAL FORENSIC SCIENCE LABORATORY
DNA Division,

Ministry of Home Affairs, Govt. of India,

CFIs Complex, Dakshin Marg, Sector 36-A, Chandigarh – 160036

#### SEXUAL ASSAULT VICTIM INFORMATION FORM

(To be completed by the Authorized Medical Officer who conducted the Medical examination)

1. VictimName:	MLR/PMR Numb	oer		Attested Photograph by Medical Officer
Address		Age Sex _		
Date & Time of assault	District & State of	of Incident:		
Date of Examination:				
Number of Assailants		Age	Sex	
Sexual Assault Examiner:				
Hospital Name:	Hospital T	elephone No.:		
2. <b>DETAILS OF ASSAULT</b> : (e.g. foreign object; oral contact by pe				
3. Pregnancy test to determine pr TO EVIDENCE COLLECTIO  1. Bathed / Urinated / Defecated / Vo above	N, VICTIM HAS:			4. PRIOR
2. Whether Clothes changed:	Ye	es/ No/Don't know_		
4. For "Rape Drug" Test Blood and	l/or Urine Sample taken:	Yes/ No/Don't k	now	
5. AT TIME OF ASSAULT WAS	S:			
1. Contraceptives / Spermicide / Lul	bricant/ Condom present /used?	Yes/ No/Don't kn	10W	
2. Victim menstruating?		Yes/ No	o/Don't know	<del> </del>
6. AT TIME OF EXAM WAS: Vi	ctim menstruating:	Yes/ No/Don't	t know	
7. RECENT CONSENSUAL COL	TUS:			
Has Victim had consensual coitus w	vithin last 5 days?	Yes/ No/Don't k	now	
If yes, was birth control used?		Yes/ No/Don't k	now	
What method of birth control was u	sed?			Occardant

#### **Brief Description of Evidence Submitted** (One item per line.)

			Chain of Cu	stody		
Parcel Description			Evidence received From	Evidence delivered To	Date	Comments
			10			
			Examinations R	<u>equested</u>		
Specify) f reporting anonymously, I have	e been infor			's parentVictim' clothing will be disposed of, if I d		
nonths after the medical examir gnature:	nation.			Date:		
ICTIM/PARENT/GUARDIA	N SIGNAT	URE		Place:		

Place:

Sexual Assault Examiner

#### Appendix III (Confidential)

CFSL/CHD/FM/106/01.09.2010/VII

**Packing** 

CENTRAL FORENSIC SCIENCE LABORATORY

DNA Division,

Ministry of Home Affairs, Govt. of India,
CFIs Complex, Dakshin Marg, Sector 36-A, Chandigarh – 160036

# ABORTUS (Aborted Foetus) IDENTIFICATION SHEET (DNA PATERNITY TESTING)

To be completed by the Authorized Medical Officer who conducted the Medical/Postmortem Examination 1. Identity of person from whom abortus sample is being collected

Name of person:	
Address:	
Whether the individual is juven	ile or deceased?
2. Specimen Collection (See in	nstructions)
Hospital Name:	Hospital Telephone No.:
Medical Examiner	Date
3. Type of Specimen(s) Collect i	ed (Please specify the portion of Abortus)
ii. iii.	
4. Weeks Gestation	Storage conditions used
5. Chain of Custody	
Specimen sealed and released b	y:
Specimen released to:	
Mode of release: Hand delivery	Mail
Date sent to CFSL, Chandigarh	
Signature of Authority Medic	ral officer
ABORTUS SPECIMEN COLL	ECTION INSTRUCTIONS
Abortus collection	Wear gloves while collecting samples Tissue from an abortus shall be selected by the physician and approximately 2 cm² portion must be placed into a sterile plastic tube. Print the mother's name and the date of collection on the label.
	Physician should put his/her initials on the label.
Storage	Do not preserve the tissue in formalin. Freeze the tissue and transport it on ice. Blood sample should be collected in sterile EDTA tubes. Do not freeze the blood sample.
Forms	Complete the forms, documenting all the required information.

Sign the form where indicated to verify collecting the biological samples.

Package each sample separately and affix with a tamper proof seal.

#### Appendix IV (confidential)

CFSL/CHD/FM/106/01.09.2010/VI

#### CENTRAL FORENSIC SCIENCE LABORATORY

DNA Division,

Ministry of Home Affairs, Govt. of India,

CFIs Complex, Dakshin Marg, Sector 36-A, Chandigarh – 160036

#### AUTOPSY SPECIMEN (S) SUBMISSION FORM

(To be completed by the Authorized Medical Officer who conducted the Postmortem)

1. Identity of person from whom samples are be	ing collected:	
Name:	Religion/Caste	
Date of Death Hospital Patient # (If any)		
2. Cause of Death		-01,
3. Has the individual received a blood transfusion	on or bone marrow transplant in the last three mo	nths?
4. Legal Contact:	Phone	
5. Specimen Collection:		
Collection Centre Name:		
Collection Centre Address:		
Sample Collected by:	Sample collection date:	
6. Description of Samples Collected:		
Sample	Storage conditions	Other remarks
, (1)		
7. Chain of Custody	option 1 or 2 or 3) ple is not authorized, a Specimen(s) may be destr	
Specimen(s) released to:		
Mode of release: Hand delivery Mail		_
Date sent to CFSL, Chandigarh		
Authorized Medical Officer Signature:		Date

