

# IMO Position Paper on Protecting The Vulnerable – A Modern Forensic Medical Service

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## Overview

In the current climate of social change, where economic success has led to significant changes in lifestyles and accelerated changes in the accepted social structures and norms, it is imperative that the administration of justice be seen to adjust to the changes in society and to protect those most in need of care.

The administration of justice has changed significantly with the creation of a Courts Service, an Inspector of Police, the Garda Ombudsman's Commission, the Equality Authority and the Human Rights Commission. The public has become conscious of its right to a certain standard of care when it interacts with the justice system. In one area however, Forensic Medicine, the Garda Síochána and the public have been denied a quality service to meet the needs of the modern policing environment.

The police service is called on to offer a uniquely diverse range of services to the public from simple ones such as issuing licenses for firearms, to dealing with accidents and crimes against property and to dealing with the human problems of crimes against the person. The Garda Síochána has discharged this wide range of services in an exemplary fashion since its foundation. The demands of society on the police service have changed and the complex social and medical problems which they encounter today require a modern forensic medical service on which the Gardai can rely for support and assistance.

Many of the crimes or scenes of disturbance at which the Gardaí attend require the expertise of medically qualified personnel. Whether the scene is that of an accident, a crime against the person or a domestic dispute in which a person has been injured, the Gardaí need professional help so that they can offer the victims of crime the best possible service. They also require the expert testimony of doctors in the conduct of court cases.

## The Current Situation

The current situation relies on the good will of both the police and local general practitioners to serve the public good. While an agreed schedule of fees exists for services between the IMO and the Department of Justice, there are no systematic arrangements beyond this agreed document. Doctors and policemen are placed at a severe disadvantage in their attempts to deliver a modern, caring service for the victims of crime and those who are detained.

## The Irish Medical Organisation Proposal

The Police Service of Northern Ireland has the support of a Forensic Medical Service in pursuit of its mission to protect and police Northern Ireland. There are many elements of this service which would suit the requirements of the situation in Ireland.

The PSNI in Ulster is supported by a corps of specially trained doctors who have a sub-specialist training in Forensic Medicine. The United Kingdom has a Faculty of Forensic Medicine which oversees the standards for training in this area. Forensic medical practitioners undergo continuous medical education.

## The Forensic Medical Practitioner's Role

The practitioner must be available to the police and trained to an agreed standard. The police have to be able to rely on a uniform standard of training and expertise being available to them. Among the many sensitive problems which forensic medical practitioners have to treat are allegations of abuse and assault, the examination of detainees, the collection of physical evidence, often of an intimate nature, the provision of professional and expert testimony and medical reports. Practitioners must also treat and support Garda officers injured in the line of duty. They must obtain evidence of the standard required for presentation in court, attend courts and advise the police on the development of appropriate accommodations for sexual assault suites and medical examination rooms.

Forensic Medical Practitioners must at all times be independent and professional, upholding the duty of care to their patients. At all times, the care of sick and injured people is the doctor's highest priority.

## Expertise Required

Practitioners will require an ability to treat and diagnose a wide variety of conditions. While it would be expected that doctors working in the field will have training and experience of illness and injury related to and caused by psychotropic drugs or the illness and injuries caused by excessive consumption of alcohol, forensic medical practitioners will require a much broader range of skills. These will include the management of chronic illness such as asthma, cardiac disease, epilepsy and diabetes. Doctors will also need some expertise about mental health conditions and the skills to assess psychological problems relating to suicide and attempted suicide. The management of people infected with contagious and infectious diseases such as Tuberculosis, HIV and Hepatitis must be acquired by forensic medical practitioners. They must also have expertise in handling the medical aspects of cases involving physical and sexual abuse.

While most doctors would expect specific extra training in the medical aspects of their role, they would also need sufficient legal knowledge to understand the legal significance of their actions in cases which require either expert medical testimony or the collection of physical evidence. They would also need to be clearly aware of their legal responsibilities arising from their attendance at scenes of crimes or disturbance.

## The Detained Person - Fitness for Interview

The Gardaí often encounter situations where they detain people with what appears to be either a physical or mental disorder. Detainees may be injured or their attitude – failing to answer questions, for example – leads the police officer in charge to suspect that the person is suffering from a health problem. Arrests related to drug crime will also require the services of a forensic medical practitioner.

A detained person may be deemed unfit in a situation where detention or questioning at that particular time could worsen an existing physical or mental illness to a significant degree and anything said or done at that time by the detained person could be deemed unreliable in a court of law at a later date by virtue of their physical or mental illness.

## Skills and Training

Forensic Medical Practitioners need properly structured training so that they can fulfill their role competently. This training can be offered through a week's full-time training, delivered annually to participating practitioners. Practitioners should be encouraged to increase their expertise through Master's degree level programmes and regular Continuing Medical Education.

## Role of the Garda and the Department of Justice

In order to optimise the Forensic Medical Service for the patient, victim or detainee, the Garda Síochána and the Department of Justice must co-operate to establish, in each appropriate Garda setting, properly designed custody suites and examination rooms with all the appropriate equipment.

Garda personnel will require training in the management of sick or incapacitated people whether in custody or at the scene of incidents. The creation of a trained corps of forensic medical practitioners will also require the development of defined service level agreements and protocols.

## Service Structure

The needs of the Garda Síochána to provide an optimal service to the public must be the leading driver for the structure of the service. The police service understands the requirements to treat victims of physical crime, victims of domestic abuse and detainees with care and consideration. The service must be structured to offer an optimal service across the country. It must take account of social, demographic and geographical constraints so that a service of uniform quality will be offered to the public and the police.

The service must also take account of the need for strategic, long term, human resources planning. The IMO believes that such a service would be characterised by a flexible approach in which the service would be manned by both fulltime Forensic Medical Practitioners and part-time practitioners. Urban concentrations of population would require fulltime practitioners supplemented by a corps of part-timers who would supply the need for leave, training leave cover and sickness. The rural areas would best be served by a sufficient number of part-time practitioners who would absorb both the workload and the need for the appropriate cover.

**Table:- 1 Manpower Estimation**

| Region              | Full-time | Part-time |
|---------------------|-----------|-----------|
| Greater Dublin Area | 4         | 4         |
| Cork                | 2         | 2         |
| Limerick            | 2         | 2         |
| Galway              | 2         | 2         |
| Sligo               |           | 4         |
| Athlone             |           | 4         |
| South East          |           | 4         |
| Northwest           |           | 4         |
| Total               | 10        | 26        |

Based on the broad figures provided by the Garda Síochána, the current expenditure on services in the Dublin area and the workload, the estimated requirement for the Greater Dublin Area would be for four full-time and four part-time Forensic Medical Practitioners in the greater Dublin region. Galway, Cork, and Limerick would merit two full time practitioners plus two part-time practitioners. Given the geographically dispersed populations of the regions centred on Sligo and Athlone and the similar situation in both the North West and South East, the IMO recommends the retention of four part-time practitioners for each of these regions

In total, ten full-time practitioners would serve with twenty-six part-time colleagues. The service would be led by a Medical Director from the complement of full-time practitioners who would liaise with the Department of Justice and the police.

Remuneration should be handled by another agency of the State to demonstrate the complete impartiality of the Forensic Medical Service and to avoid any imputations of collusion between the police and the doctors employed.



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