

**Documentation of Forensic Evidence in ‘P3’ Medical Legal Reports of
Sexual Assault Survivors, Naivasha District, Kenya**

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**A thesis submitted in partial fulfillment for the degree of Master of
Science in Applied Epidemiology in the Jomo Kenyatta University of
Agriculture and Technology.**

2012

ABSTRACT

Medical-legal evidence in sexual assault is important since rape is a crime seldom witnessed by third party observers. Collection and documentation of standard forensic evidence increases the likelihood of success in the apprehension, prosecution and conviction of the perpetrator of sexual assault. Authorities now concede that poor medical evidence is in part responsible for low conviction rates of sexual assault offenders and in Kenya, the variable quality of medical evidence adduced in courts in cases of sexual assault is a continuing challenge. The main objective was to review documentation in 'P3' medical-legal reports and assess health workers knowledge and attitudes towards collection of forensic evidence in cases of sexual assault. In a cross sectional survey 199 medico-legal reports of survivors attended to in health facilities in Naivasha district between 2006 and 2010 were randomly selected from 315 archived reports. Reports were reviewed using check-list created from the Kenya Ministry of Health guidelines on management of sexual assault (<50% of expected documentation was termed inadequate) while 167 randomly selected health workers (2 specialist doctors, 10 doctors, 102 nurses, 26 clinical officers and 27 laboratory technicians) in 25 of 58 health facilities (hospitals, health centers and dispensaries) were interviewed. A questionnaire developed using contents in the Kenya Ministry of health guidelines on management of sexual assault was administered to the health workers. Knowledge and attitudes on general management of sexual assault, specimen collection, interpretation of laboratory findings, documentation of forensic findings, preservation of evidence gathered, police procedures and on playing role of expert witness in court were assessed, $\geq 50\%$ score was regarded as adequate knowledge. Data was collated and analyzed using *Epi Info*, p-value = <0.05>. Of 167 respondents two thirds were female. Mean age was 37.2 (range 22-57) years. Nurses comprised 61.1% (95% CI 53.2-68.5) and specialist doctors 1.2% (95% CI 0.1-4.3). Average participant score in the

knowledge part of questionnaire was 58.9% (range 36-80), 88.0% (95% CI 82.1-92.5) of respondents had adequate knowledge. Experience with attending to >3 survivors was associated with having adequate knowledge (OR=2.19 P-value 0.097) while being over 40 years old (OR=3.90 P-value 0.006) was associated with having inadequate knowledge. Of 199 medical legal reports reviewed, defilement (72.4%) was the commonest form of sexual assault while 38.6% (n=77 95% CI 31.4-45.3) of the survivors were aged ≤ 10 years. Overall, 71.4% (95% CI 64.5-77.5) of the medical-legal reports were found to contain less than adequate (50%) documentation. PRC-1 Form, the government approved protocol for assessing sexual assault survivors, was used in the assessment of 19.6% (95% CI 14.3-25.8) of survivors. Significant factors associated with adequate documentation on medical legal forms were: use of PRC-1 Form (OR=54.88, P-value 0.000) and examining survivor within 24 hours of the assault (OR=3.09, P-value 0.002). Significant factors associated with inadequate documentation were: girl child survivor aged below 12 years (OR=2.08, P-value 0.04), and survivor medically examined after 48 hours since assault (OR=1.98, P-value 0.041). Majority of health workers in Naivasha have adequate knowledge on medical-legal evaluation of sexual assault survivors. However, most medical-legal reports contain inadequate information. Use of PRC 1 form when assessing survivors guarantees the findings documented will be adequate and it should be adopted in the medical evaluation of all cases of sexual assault. More attention should be paid when assessing and documenting injuries of minors and factors contributing to delayed medical evaluation of survivors should be investigated and addressed. This study provides relevant facts towards strengthening Kenyan systems for medico-legal documentation in sexual violence and ultimately better justice for victims of sexual assault.