"Forensic nursing" in Japan.

K. YANAI

H. Kodama, Herrera Lourdes, Y. Rikitake, T. Ito, K. Tunematu
I. Introduction

Definition of Forensic Nursing
1. Forensic Nursing

Forensic Nursing is the practice of nursing globally when health and legal systems intersect.

Role of the FN

- Member of the scientific investigation team
- Care of victims of trauma
- Health management of sexual aggressors

etc
2. Legal point of view

- Preservation of proof
- Examination of sexual violence cases in facilities, autopsy
- Cooperation with legal officers in the community level
Significance of the development of FN as a Science

Forensic Science Management

Reduction of the risk of transgressing the human rights of victims and aggressors

Safety and Advocacy
3. Development of FN in Japan

Basic education

Emergency nursing
Disaster nursing
Community nursing
Psychiatric nursing
（care of patients who attempted suicide and victims of trauma）

Specialty knowledge and skills

＊child abuse, spousal/partner violence, elderly abuse, rape, bullying, etc.

Nursing assessment and care in case of Spiritual Abuse
4. Problems in the practice of FN
Problems related to the Legal System

- Appropriateness of Nursing Practice
- Responsibilities of the nursing professional
§ Legal basis of Nursing Activities in Japan
1. Nursing in the legal system

Constitution

- Imperial system
- Pacifism / No War
- Basic Human Rights
- Governmental system
2. The legal basis of "the nurse"

constitution

25th

ACT

physician

Public Health Nurse, Midwife and Nurse Association of Nurses

pharmacist
3. Nurse’s Professional responsibility in Japan

Deliver care to persons with injuries and/or illnesses or postpartum women

Assist medical treatment under the license of the Minister of Health, Labor and Welfare.
Authorization

• Many organizations and professional societies certify such personnel, credentialing system by JNA(JAPAN Nursing Association) is socially recognized.

  • certified nurse specialists,
  • certified nurses and
  • certified nurse administrators
4. Nursing Practice in Japan

- Number of nurses: 1,500,000 (2011)

   Working at medical facilities: 1,240,000 (80%)
   Working in educational org.: 16,000 (1.1%)

Almost no nurses are working in the legal area.
Main basic nursing education courses

- **Public Health Nurse**
  - National Public Health Nursing Examination*2
  - Public Health Nurse Course (1-year or more)
    - Public Health Nurse School, Junior College, University/College*1

- **Midwife**
  - National Midwifery Examination*2
  - Midwifery Course (1-year or more)
    - Midwifery School, junior college, University/College*1, Specialty Course at University/College, Graduate school

- **Nurse**
  - National Nursing Examination
  - Nursing University/College 4-year*1
  - Nursing Junior College 3-year
  - Nursing School (diploma program) 3-year

Graduate from High School
Education curriculum of nursing schools

- Foundation studies
- Specialized Basic studies
  - Specializations I
  - Specializations II
- Integration
Continuing education and research is conducted
4. Nursing Responsibilities and Forensic Nursing

- Psychiatric Nurses
- SANE Nurses
Forensic nursing practice in JAPAN
1. Forensic Autopsy

- The Criminal Procedure Act, Article 229
- In case of suspicion of unnatural death the exam will be conducted by
  1) public prosecutors
  2) public prosecutor assistant officers + an MD
  3) a trained police officer + an MD
2 Violence and Abuse

① Act on prevention of spousal violence and the protection of victims (2001)

② Act on prevention of elderly abuse and support for attendant of elderly persons (2005)


*NO

Sexual Assault Prevention and Crisis Services Act
Sexual Assault

- Criminal Act
  
  An offender is subjected to prosecution only if the victim presses charges

No   EVIDENCE COLLECTION PROTOCOL
Crime

Suspect

Investigation

arrest

policeman

public prosecutor

The Criminal Procedure Act
IV For the resolution of the problems
1 Interpretation of the Constitution

Forensic nursing deviates from the duty of the nurse

Correctly understanding the idea of Forensic nursing
2 Handling and confidentiality of the evidence

It is not clear who is the owner of the evidence.

Without patients consent medical staff cannot collect evidence

Public interest

We refer to the American case

We insist on the merits of nurses being involved
3 Education and training of forensic nurses

Trends in the amendment of the Nurse Practice ACT
We want to learn practical activities and legal system design of the forensic nurse in U.S.A. to overcome these problems.
Thank You