Recommendations for the collection of forensic specimens from complainants and suspects – the evidence

Jul 2018  Review date Jan 2019 – check www.fflm.ac.uk for latest update

The medico-legal guidelines and recommendations published by the Faculty are for general information only. Appropriate specific advice should be sought from your medical defence organisation or professional association. The Faculty has one or more senior representatives of the MDOs on its Board, but for the avoidance of doubt, endorsement of the medico-legal guidelines or recommendations published by the Faculty has not been sought from any of the medical defence organisations.

Toxicology samples (blood, urine and hair)

General advice
Some drugs can adhere or ‘stick’ to plastic and therefore glass tubes are recommended for toxicological samples.

Drug-facilitated crime
UNODC. (2011) Guidelines for the forensic analysis of drug facilitating sexual assault and other criminal acts
Accessed 24/11/2015

Detection times for drugs
Moffat AC., Osselton MD., Widdop B. & Watts J. Eds. Clarke’s Analysis of Drugs and Poisons. 4th ed
Baselt RC. Disposition of Toxic Drugs and Chemicals in Man, 11th ed
Biomedical Publications, Seal Beach, CA, 2017

Urine collection up to 14 days in DFSA cases
Negrusz A., Moore C., Stockham TL., & Levy NA. Elimination of 7-Aminoflunitrazepam and Flunitrazepam in urine after a Single Dose of Rohypnol®

Biological Samples

Double gloving with changing of gloves with different body areas
Margiotta, G., Tasselli, G., Tommolini, F., Lancia, M., Massetti S., Carnevali, E. Risk of DNA transfer by gloves in forensic case work.
Forensic Science International: Genetics Supplement Series 2015: 5; eS27-eS29
(It is imperative to change gloves every time after touching items or surfaces, prior to touching the exhibit. It is desirable to wear multiple layers of gloves to avoid skin exposure during the changing of gloves.)

Double swabbing
(Use of the double swab technique increased the recovery of saliva from human skin and therefore DNA evidence.)
Pang, BCM., & Cheung, BKK. Double swab technique for collecting touched evidence Legal Medicine 2007: 9; 181-184
(The double swab technique improves the quality of the resulting DNA profiles.)

Oral samples
Allard, J. E. The collection of data from findings in cases of sexual assault and the significance of spermatozoa on vaginal, anal and oral swabs Sci. Justice 1997: 37; 99–108 (maximum persistence of sperm in the oral cavity recorded as 28-31 hours)
Nittis M., Franco M., Cochrane C. New oral cut-off time limits in NSW Journal of Forensic and Legal Medicine 2016: 44; 92-97 (oral rinse and perioral (lip) swab recommended in cases of oral assault)

Saliva on skin
Kenna J., Smyth M., McKenna L., Dockery C. & McDermott SD. The recovery and persistence of salivary DNA on Human Skin J Forensic Sci. 2011: 56; 1; 170-175
(showed persistence of salivary DNA up to 96 hours when not washed in 3 volunteers with saliva on their legs)

Hair
Salter, M.T., Cook, R. Transfer of fibres to head hair, their persistence and retrieval Forensic Science International 1996: 81; 2; 211-221
(hair style and activity are major factors in affecting persistence; taping is more efficient than combing)
(important to collect pubic hair combings from the male suspects as well as from female victims, provided the time interval is not extreme)
Fingernail swabbing
Dowlman EA., Martin NC., Foy Mj., Lochner T. & Neocleous T. 
The prevalence of mixed DNA profiles on fingernails swabs 
Sci. Justice 2010: 50; 64-71 
(looking at the persistence of DNA profiles after intimate contact)

Flanagan N. & McAlister C. 
The transfer and persistence of DNA under the fingernails following digital penetration of the vagina 
For Sci International: Genetics 2011: 5; 479-483 
(DNA profiles maybe obtained up to 18 hours post digital penetration)

Oz C. & Zamir A. 
An Evaluation of the Relevance of Routine DNA Typing of 
Fingernail Clippings for Forensic Casework 
(clippings from 6 volunteers did not reveal donor profile – hence swabbing might be more effective)

Lederer, T., Betz P. & Seidl S. 
DNA analysis of fingernail debris using different multiplex systems: a case report 
Int J Legal Med 2001: 114(4-5): 263-6 
(showed that a victim’s DNA might be accessed from fingernail scrapings from an assailant (using a small plastic spatula) two days after an assault and after the assailant had admitted to washing his hands several times)

Foran D., Hebdal L., Doran A. 
Trace DNA from Fingernails: Increasing the Success Rate of Widely Collected Forensic Evidence December 2015 
Accessed 05/01/2016 
(double swabbing of nails best in the living)

Female genitalia
Davies A. & Wilson E. 
The Persistence of Seminal Constituents in the Human Vagina 
Forensic Science 1974:3: 45-55 
(spermatozoa found up to 3 days post intercourse and occasionally up to 6 days)

Graves H. C. B., Sensabaugh G. F. & Blake E. T. 
Postcoital detection of a male-specific semen protein: application to the investigation of rape 
(spermatozoa isolated from endocervix 17 days after intercourse)

Astrup B.S., Thomsen J.L., Lauritsen J., Ravn P. 
Detection of spermatozoa following consensual sexual intercourse 
Forensic Science International 2012: 221; 137-141 
(spermatozoa best recovered from the posterior fornix)
**Paediatrics**

Christian C., Lavelle J., Dejong A., Loiselle J., Brenner L. & Joffe M.

*Forensic Evidence Findings in Prepubertal Victims of Sexual Assault*

Pediatrics 2000: 106(1): 100-104

(medical records of 273 children under the age of 10 were reviewed. All children had forensic evidence collected within 44 hours of an alleged sexual assault. No swabs taken from the child’s body were positive for blood after 13 hours or sperm/semen after 9 hours)

Giardet R., Bolton K., Lahoti S., Mowbray H., Giardino A., Isaac R., Arnold W., Mead B & Paes N.

*Collection of Forensic Evidence from Paediatric victims of sexual assault 2011*

Paediatrics 2011: 128; 2

(body samples should be considered for children beyond 24 hours although the yield is limited)

**Penile**

Cina S.J., Collins K. A., Pettenati M. J. & Fitts M.

*Isolation and identification of female DNA on post-coital penile swabs*

Am. J. Forensic Med. Pathol. 2000: 21; 97–100

(female DNA profiles obtained on penile swabs up to 24 hours post coitus)

Farmen RKB., Haukeli I., Ruoff P., Froyland E.

*Assessing the presence of female DNA on post-coital penile swabs: Relevance to the investigation of sexual assault*

Journal of Forensic and Legal Medicine 2012: 19; 386-389

(female DNA was recovered on all post-coital penile swabs taken at 5-24 hours; volunteer study)

**Anal**

Wilson GM. & Allard JE.

*Spermatozoa – their persistence after sexual intercourse*

For Sci Int 1982: 19; 135-154

(maximum recorded interval between the act of anal intercourse and the identification on a rectal swab is 96 hours)

Janisch S., Meyer H., Germerott T., Albrecht U., Schultz Y. & Deberthin A.

*Analysis of clinical forensic examination reports on sexual assault*

Int J Legal Med 2010: 124(3); 227-35

(found that only 7 anal swabs out of 37 (18.9%) were positive for sperm, when taken within 24 hours of assault)

Tucker S., Ledray LE., & Werner JS.

*Sexual Assault Evidence Collection*

Wisconsin Medical Journal 1990: 89(7); 407-411

(1007 sexual assault examination laboratory results were reviewed in 1990. Of the 210 cases with anal involvement, sperm was only found in 4 cases (2%). These exams were completed within 4 hours of rape)

**Time since intercourse**

Dziak R., Parker L., Collins V. & Johnston S.

*Providing Evidence Based Opinions on Time Since Intercourse (TSI) Based on Body Fluid Testing Results of Internal Samples*

Canadian Society of Forensic Science Journal 2011: 44; 2; 59 to 69

Accessed 21/12/2015

Owers R., Davidson G., McDonald A., Morgan R., O’Rourke P.

*Time since intercourse (TSI) data from a large-scale casework study of penile–vaginal penetration allegations using Sperm Elution™*

Forensic Science International 2018; 288:10-13

(TSI data is significantly affected by the sperm recovery method used. Using Sperm Elution improves the amount of spermatozoa recovered from vaginal swabs and the length of time to detect spermatozoa on swabs).