Elements of Forensic Medicine

2012

Dr Morris Odell
The Curse of the MEDIA

Crossing Jordon
Kay Scarpetta
Janus
CSI
Phoenix
Silent Witness
Quincy
Halifax FP
Blue Heelers
McCallum
(Inspector Rex)
Why do we have Forensic Services?

- Give TV something to fill prime time?
- Assist in investigation of crime
- Investigation of unexpected deaths
  - Detection of concealed homicide
  - Quality control for health professionals
- Maintenance of civil rights
- Maintenance of public health & safety
- Maintenance of human rights
Forensic Medicine

- Derivation of “forensic”
- The principles and practice of medicine as applied to the needs of the law
- Thus:

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<th>Field</th>
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<td>F. Pathology</td>
<td>F. Science (crime scene, ballistics, DNA, etc)</td>
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<td>Clinical F. Medicine</td>
<td>F. Anthropology</td>
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<td>F. Psychiatry</td>
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THE REALITY

- Medical degree – 5 or 6 years
- Training for 6-8 years after graduation
- Short of doctors despite popular image
  - Terrible hours
  - No “diseases of the rich”
  - Nasty stories, sights & smells
  - The terrors of the courtroom
  - Unpleasant people
    - corpses, drug addicts, journalists, police, social workers, crazies, criminals, child molesters, lawyers….
- Why do it? Because it’s INTERESTING & EXCITING!!!
Victorian Forensic Scene

- VIFM
- State Coroner
- State’s Forensic Services Dept (Vic Pol)
- VIFMH (Thomas Embling Hospital)
- Courts
- OPP
- Defense bar
- People of Victoria
Appearing as an expert witness

- Enjoyable (mostly!)
- Most rewarding when the barrister is on top of the subject
- Combination of insight, right advice and HOMEWORK
- This course gives a taste of the many components of forensic medicine and science
  - Meet some of the people
  - Understand something of the limits of what the specialty area can do or say
Expert Evidence

- What is going on in the minds of the experts as they write their reports and give their evidence?

Generally speaking, the legal system is not very good at dealing with poor expert evidence.
- It is the legal team that ensures and/or tests that the specialty/expert material being presented to the court is right
- But it is not simple: R v Chamberlain
- Stains on dashboard of Chamberlain’s car
- Sitting in the Mt Isa sun for 3 years
- Ouchterlony test = baby’s blood
- Defence: blood, yes, but not baby’s blood
- Defence had expert whose view was that it was not blood at all: expert not called
- Royal Commission: Not blood but plastic filling
- Science wrong – but the dynamics of the trial process not only allowed wrong view in but prevented the right view being aired
R v PREECE

Helen Will - Aberdeen housewife
Strangled December 1972
Body found in forest just south of Scottish border; began as an English investigation but became a Scottish one

John Preece - lorry driver
Charged, tried and convicted by a majority verdict following 8 day trial in Edinburgh in June 1973
Scientific Evidence

- It was mainly scientific evidence connecting the accused to the deceased
- Dr Alan Clift: 20 years experience as H.O. forensic scientist
- The main evidence related to biological fluids

(Necessary background: blood group substances are secreted into various body fluids including semen; 40% of the population are Blood Group A; 80% of the population are secretors.)
Scientific evidence

- Stains on deceased’s clothes: mixed vaginal/semen with blood Gp A (thus the person depositing the stain was a secretor)
- Accused was blood group A and a secretor
- WHAT OTHER INFORMATION WOULD YOU LIKE?
Deceased was blood group A and a secretor.

This information was in Clift’s report to the English police but not to the Scots. At the trial he did not give this evidence.

Following a series of events leading to a review of a number of Clift’s cases, a reference was made by the AG to The High Court (of Justiciary of Scotland).
Appeal allowed, conviction quashed, Preece freed

Clift’s evidence held to have fallen short of the standards of accuracy and objectivity required of an expert witness

WHAT DO YOU THINK DR CLIFT’S REPLY WAS TO THIS FINDING
I WAS NEVER ASKED!!

- SOLICITORS AND BARRISTERS HAD NOT DONE THEIR HOMEWORK
- IF THEY HAD, EITHER FORGOT OR CHOSE NOT TO ASK

VERSUS

- CLEAR OBLIGATION TO TELL ALL THAT HE KNOWS TO BE OF SIGNIFICANCE TO THE PROPER RESOLUTION OF THE MATTER
Inquiry into paediatric forensic pathology in Ontario

- [http://www.goudgeinquiry.ca/](http://www.goudgeinquiry.ca/)

- How one person can seriously pervert the system

- Classic case of how isolated practice, even within a large institution of clinical renown (The Hospital for Sick Children, Toronto), can become poor practice

- 12 convictions associated with poor and wrong conclusions and evidence
VIFM

- Statutory authority – Coroners Act 1985
- Also Dept of Forensic Medicine, Monash
- Service, Teaching and Research
- Coroners, SCO
- NB Forensic Services Dept, VIFMH
Questions?