



### E14 Restoration of Bodies, Retention and Disposal of Organs and Parts of Organs Removed During Forensic Autopsies: Ethical Issues Relating to the Wishes of Relatives

*Isabelle Plu, PhD\*, Laboratoire d'éthique médicale et médecine légale, Faculté de médecine des Saints-Pères, 45 rue des Saints-Pères, Paris, 75006, FRANCE; Gregoire Moutel, PhD, and Christian Herve, PhD, Laboratoire d'éthique médicale et de médecine légale, université Paris René Descartes, 45, rue des Saints-Pères, Paris, 75006, FRANCE; and Irene Purssell-Francois, PhD, Service de médecine légale, Centre hospitalier et Universitaire, 3 rue du Faubourg Raines, Dijon, 21000, FRANCE*

After attending this presentation, attendees will be able to describe the ethical issues related to restitution of bodies, retention, and disposal of organs after autopsies. Attendees will be aware of the importance of informing families before and after forensic autopsies.

This presentation will impact the forensic science community by calling for collective reflections to determine what information should be given to families before and after autopsies, and how to modify forensic practices for improving the respect of human dignity after death.

**Background:** French law imposes strict regulations on medical autopsies (articles L1211-2 and L1232-1 to L1232-6 of the Public Health Code), requiring health professionals to inform the family and to ensure that the deceased did not express a wish during his or her lifetime not to undergo autopsy after death. The body must also be restored as closely as possible to its initial state (Article L1232-5 of the Public Health Code). However, French law provides no rules concerning the removal and disposal of organs and parts of organs during autopsy.

There is no French legislation regarding providing information to the family regarding the disposal of organs and tissues removed during forensic autopsies. It is difficult to apply the same points of law concerning medical autopsies to forensic autopsies. In the forensic context, the consent of relatives is not required and families are informed about the need for an autopsy by police officers rather than by the forensic scientist. The body is returned to the family after autopsy with the agreement of the magistrate, but there is no legal duty other than those applying to medical autopsies to make the body presentable to the family. The organs and tissues removed are sealed for evidence in judicial proceedings, but are not systematically analyzed further. They may therefore be destroyed by incineration after any analysis or if the magistrate considers them no longer relevant to the judicial proceedings.

French law seems to be lagging behind the laws of other European countries, such as the United Kingdom. After the scandals of the Isaacs case in 1987 and the Alder Hey Children's Hospital in Liverpool in 1996, British legislation was modified (Human Tissue Act in 2004). It was made mandatory to inform relatives before both medical and forensic autopsies. Pathologists and forensic scientists are required to ask relatives about what they wish to happen to the organs and parts of organs removed, which may be used for biomedical research, destroyed, or buried with the body.

Are French practices concerning the disposal and restoration of corpses, organs or parts of organs after forensic autopsies, when judicial investigations are completed really an issue? This question can be illustrated by three examples:

**Case reports:** The first example relates to what has been called "the cases of the fetuses of Saint-Vincent-de-Paul Hospital" in Paris, where hundreds of fetuses were discovered in the mortuary in August 2005. This revelation led many French people to wonder what was being hidden in mortuaries.

The second example relates to a newspaper article (Libération, 19 June 2008), which reported that a judicial inquiry had been opened to deal with a complaint from a man who asked to see the body of his wife after a forensic autopsy. He had the unpleasant surprise of seeing the body non-sutured. The newspaper ran the headline "When forensic medicine forgets human dignity" and the article began "It is an atrocious story ...".

The third example concerns the unusual, but legitimate request of a woman to have the organs removed from her husband during a forensic autopsy (brain and heart) restituted to her so that they could be buried with his body. With the agreement of the magistrate, this request was granted.

**Discussion:** These situations raise questions about our consciences and practices because there cannot be a failure to remember the changes in public opinion and attitudes that have taken place over a number of years. Families now ask for more transparency concerning the organs or parts of organs removed, their use, and disposal. They ask to see their loved ones and place importance on the integrity of the body after death.

**Conclusion:** Calls to inform close relatives, both before and after forensic autopsies, thus seem increasingly legitimate. Collective reflections are required to determine what information should be given, how it should be delivered to families, and how to modify practices and to propose new solutions for improving the respect of human dignity after death.

**Medical Ethics, Autopsy, Tissue and Organ Harvesting**