



Pathology/Biology Section - 2013

G107 Deaths in Custody: A Northern Portuguese Analysis From 2000–2010

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After attending this presentation, attendees will have a better and clearer perception of the northern Portuguese situation on the topic of deaths in custody from a medicolegal perspective.

This presentation will impact the forensic science community by presenting the first Portuguese retrospective study of deaths in custody from a medicolegal point of view, analyzing important issues, such as demonstrating the cause of death, as well as circumstances and manner of death.

Deaths occurring while individuals are in custody, given their peculiarities, are quite tragic and distressing for the individuals' families and friends, police enforcement agencies, and the institutions where they occur. The same applies in a broader perspective to society, especially with those cases in which death happens in a sudden, unexpected, and violent manner. The suspicion of excessive force or violence against the arrested decedent on behalf of the police agents within jails and penitentiaries is always the subject of extensive media coverage, often even without true knowledge of the real facts. Thus, "deaths in custody" are of undeniable forensic interest, considering the demonstration of the cause of death, as well as the circumstances and manner of death. In Portugal, there are very few studies on this matter and none of them from a medicolegal point of view since the approach to this subject has been quite infrequent. Moreover, the studies published in the international reference forensic literature relate to economic and socio-cultural realities which, in most cases, are rather different from the Portuguese one.

This study intends to analyze and characterize, from a medicolegal perspective, all deaths which occurred in the north of Portugal between 2000 and 2010 as a result of police vs. citizen interaction, when the decedent was under the responsibility of any police enforcement agency or security service. This study was based on data obtained from different police enforcement agencies and security services, autopsy reports, and criminal investigation process files. A total of 228 individual cases of prisoners in 13 different penitentiaries were analyzed, as well as 130 autopsy reports and 10 criminal investigation process files in different courts of law.

During the timeframe covered by this study, 237 fatalities were found that met the criteria for "death in custody." Of those 237 deaths, 55.3% underwent a forensic autopsy. "Deaths in custody" occurred in 225 cases under the jurisdiction of penitentiaries and correctional facilities, in seven cases under the jurisdiction of the PSP (Public Security Police), and in five cases under GNR (National Republican Guard) jurisdiction. The most common profile in these fatalities, according to the collected data, corresponds to male individual (98.3%), single (56.5%), aged between 25 and 44 (61.1%), with low level education (36.3%), resident in the Porto District (67.5%), and suspected of or convicted for crimes against personal or public property (31.6%). From a medicolegal etiology point of view, death from natural cause was the more frequent etiology (59.5%), followed by suicide (25.7%), accidental causes (8.9%), and homicide (4.2%). HIV infection/AIDS were responsible for 17.7% of the death cases studied. Hanging was the most frequently used method for suicide in jails (24.5%). There were ten homicides, two of which resulted from physical assaults between inmates and eight resulted from the police enforcement agent's action at the moment of approach/detention.

Death in Custody, Police Enforcement, Cause of Death