



Pathology/Biology Section - 2016

H47 Medical Doctor Specialized in Legal Inspections (MDSLI): A Professional Interface Between State Prosecutors and Medical Examiners — The Swiss Model

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After attending this presentation, attendees will be aware of a new model of organization established in Swiss Canton Ticino for cases of death due to unnatural causes.

This presentation will impact the forensic science community by demonstrating the possibility of a professional interface between state prosecutors and medical examiners with the goal of improving the quality of work and data at the time a body is discovered.

In recent years, the Swiss Confederation decided to revise the Swiss Criminal Procedure Code published on October 5, 2007, in effect by January 1, 2011.¹ Regarding the procedure related to the observation of death in the case of death by unnatural causes (see the circumstances of death or serious event of unknown origin) the new version of the Swiss Criminal Procedure Code clearly defines who will be responsible for this task. Specifically, Section 6, Article 253, Examination of Dead Bodies, draws attention to the following points. First, if there are indications that a death is not due to natural causes, but, in particular, is due to a crime, an accident, or a suicide or if the identity of the body is unknown, the public prosecutor arranges for inspection by a specialized doctor in order to either clarify the cause of death or identify the body. Second, if after the legal inspection of the body there is no evidence of a crime and the identity of the decedent has been established, the prosecutor delivers the body and authorizes the funeral. Otherwise, the prosecutor gives orders for the body to be kept in a safe place and requires additional inspections by the Institute of Legal/Forensic Medicine (i.e., autopsy). The prosecutor may also order that the entire body, or part of it, be retained for the purpose of investigation. Last, Swiss Cantons determine which medical personnel members are obliged to announce to the criminal justice authorities those deaths that are due to suspicious or unknown causes.

Starting from this legal basis, the Canton Ticino had to adapt to what was foreseen of the federal law; however, unlike the Swiss Cantons that have their own Institute of Forensic Medicine — normally linked or associated to a university — the Canton Ticino region has no such structure. The non-realization or absence of an Institute of Legal Medicine in this Italian part of Switzerland (i.e., Canton Ticino) has partially penalized but also stimulated creativity in finding solutions to ensure quality service for justice and for the search for truth in such a complex and interdisciplinary area such as that of forensic science. In 2012, the state prosecutor and the State of Canton Ticino, in a strict collaboration with the University Centre of Legal Medicine Lausanne-Geneva (CURML), have enabled the realization of an important and innovative service equal to the one offered by the Medical Doctors Specialized in Legal Inspections (MDSLI). The Swiss Society of Legal Medicine (SSML) 2015 summer meeting provided the opportunity to inform professionals and experts of the establishment of a new professional figure, that of MDSLI, based on the requirements of the Swiss code of criminal procedure. It must be immediately specified that the role and competence of MDSLI differ from the one of the medical examiner. The MDSLI doctor is solely responsible for carrying out observations and for certifying the death through an external medical examination of the decedent body at the place where the body has been discovered. MDSLI must take place at the scene of the crime in collaboration with any other on-scene investigator and acts as a liaison between the public prosecutor and the police on one side and the legal doctor/coroner on the other side. This doctor performs his/her functions according to the expert's mandate that was received from the public ministry and that result in the certificate of death in a case of natural death or of a legal inspection report in a case of suspicious, doubtful, or undetermined (i.e., non-natural) death.

Reference(s):

1. (www.admin.ch/opc/en/classified-compilation/20052319/index.html)

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