

The Role of Forensic Pathology in the Administration of the Criminal Justice System in Zambia

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Lagos Forensic Symposium (October 20th 2022)

Introduction

- Forensic Pathology:
 - the application of medical methods in investigation of violent, accidental, suicidal, sudden, suspicious or unexplained deaths.



Introduction

- The Criminal Justice System:
 - A system of law enforcement that is directly involved in apprehending, prosecuting, defending, sentencing, and punishing those who are suspected or convicted of criminal offenses (**Oxford Dictionary**)



Introduction

- The medicolegal death investigation system in Zambia is a hybrid between the coroner/Medical Examiner System (**Inquests Act 1939, and National Forensic Act No. 2, 2020**).
- Every violent, accidental, suicidal, sudden, suspicious or unexplained death comes under the scrutiny of the Zambia Police or Coroner (**Inquests Act 1939, and National Forensic Act No. 2, 2020**).

Introduction

- The Zambia Police or Coroner then refer the cases to the Office of the State Forensic Pathologist (OSFP), which is mandated to investigate the cause and circumstances of death (**Inquests Act 1939, and National Forensic Act No. 2, 2020**).

Introduction

- The OSFP accurately establishes the medical data of the fatal disease or injury and correlate it with the circumstances surrounding the death.
- The Criminal Justice System then utilises the precise and objective medical data for the administration of justice (**Werner U. Spitz, (2006, p. 301)**).

Medicolegal Case Work in Zambia

- Between 2016 and 2021, **6682** deaths were investigated at the OSFP of which **79.6%** were male.
- Other cases were conducted by General Medical Officers in far-flung areas (Luchenga Mucheleng'anga, Viktor Telendiy, Suzyani Simumba, Cordilia Himwaze, 2021).

Medicolegal Case Work in Zambia

Variable	Overall N (%)	Homicide n (%)	Accidents n (%)	Suicide n (%)	Natural n (%)	Undetermined n (%)	Pending n (%)
Sex							
Male	5313 (79.6)	1168 (17.5)	2437 (36.5)	622 (9.3)	484 (7.2)	577 (8.6)	25 (0.4)
Female	1369 (20.4)	297 (4.4)	612 (9.2)	113 (1.6)	164 (2.5)	177 (2.7)	6 (0.09)
Total	6682 (100)	1465 (21.9)	3049 (45.7)	735 (10.9)	648 (9.7)	754 (11.3)	31 (0.5)

Medicolegal Case Work in Zambia

Age Range	Overall Deaths (N)	Accidents (n)	Homicide (n)	Suicide (n)	Natural (n)
0-15	648	458	136	16	38
16-30	2014	999	531	337	147
31-45	2104	1038	528	283	255
46-60	835	425	177	83	150
61-75	218	88	70	11	49
>76	77	40	23	5	9
Total	5897	3049	1465	735	648

Top Five COD in Homicides

Cause of Death	Overall Deaths (N)	Male, n	Female, n
Blunt Impact Trauma due to Assault	825	676	150
Gunshot Wounds	189	180	9
Stab Wounds	136	111	26
Violence of undetermined origin/Homicidal Violence	127	81	46
Chop Wounds	58	50	8

Top Five COD in Accidental Deaths

Cause of Death	Overall Deaths N	Male n	Female n
Blunt Impact Trauma due to RTA	2235	1773	462
Acute Alcohol Intoxication	252	242	10
Drowning	197	166	31
Electrocution	98	66	32
Burns	83	54	29

Top Five COD in Suicidal Deaths

Cause of Death	Overall Deaths N	Male n	Female n
Organophosphate Toxicity	481	396	85
Hanging	221	196	25
Gunshot Wounds	13	13	0
Drowning	9	7	2
Blunt Impact Trauma due to Descent from height	7	7	0

Dimension of homicide Problem

- Homicides constitute 21.9% of violent deaths in Zambia.
- Male victims outnumber the females by a ratio 4:1.
- The age range 16-45 years are most predominant.

Dimension of homicide Problem

- Law enforcement is powerless to prevent a large proportion of these lethal crimes due to circumstances and motives that surround the fatal incident (Adelson L, (1974, p. 5)).
 - Homicides are intimate personal crimes

Dimension of homicide Problem

- Forensic pathology testimony is required regularly in connection with judicial proceedings in murder cases.
- This is because in most cases a person suspected to be responsible for the homicide is identified and apprehended

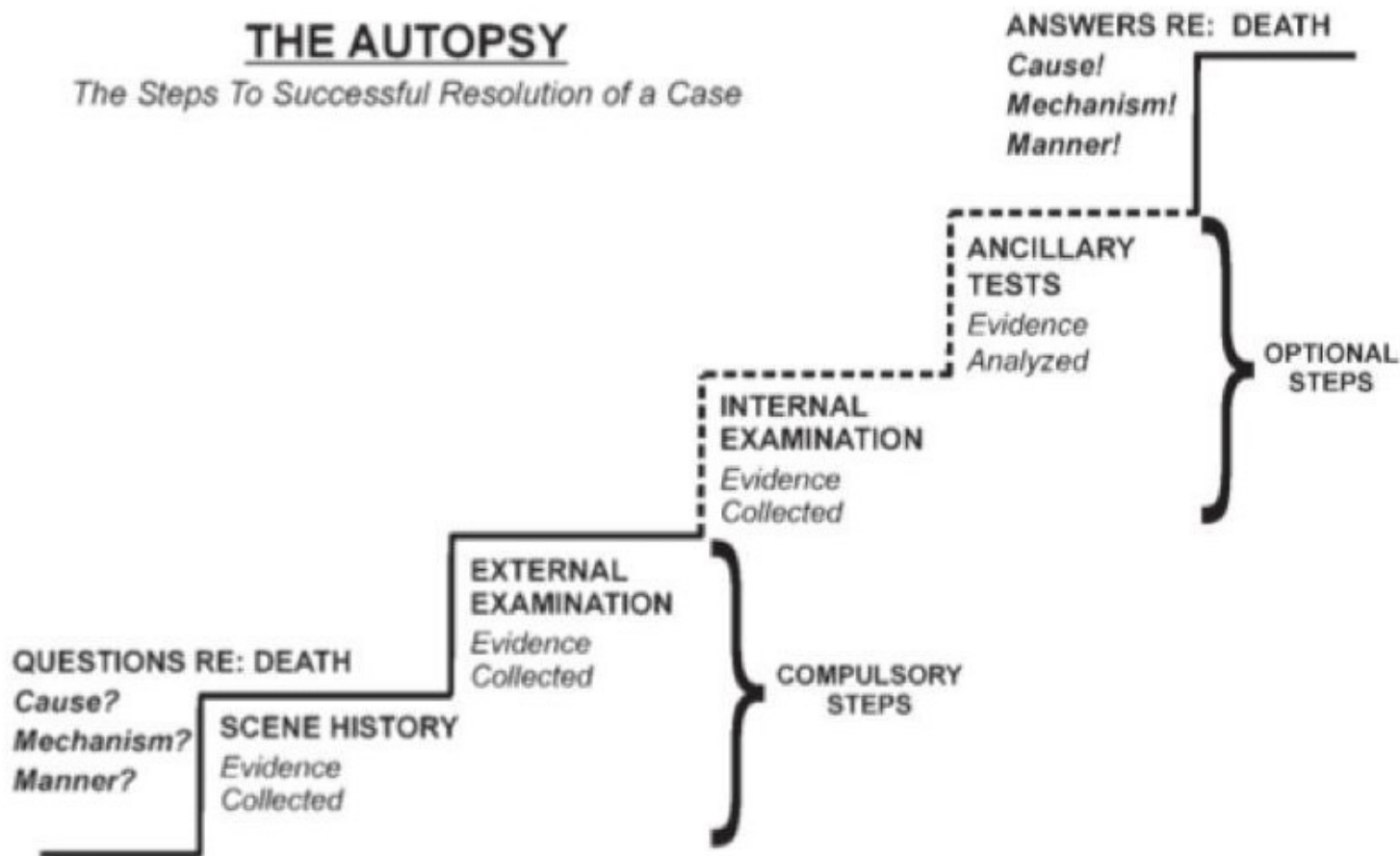
Role of Forensic Pathology in CJS

- The investigation of a violent death requires team work.
 - The team maybe composed of;
 - The Detective
 - The Scene of Crime Officer
 - The Forensic Toxicologist
 - Other Forensic Specialists
 - The Forensic Pathologist

Medicolegal death investigation (Shkrum J M p.5 (2007))

THE AUTOPSY

The Steps To Successful Resolution of a Case



Role of Forensic Pathology in CJS

- Close team work is essential for solving complex crimes and violent deaths are complex crime.
- Every member participating in a violent death investigation must not only know what is expected of them, but also why they must carry out their portion of investigation in a particular way.

Role of Forensic Pathology in CJS

- The Roles the Forensic Pathologist
 - Establishment and objective documentation the COD
 - A search for the truth
 - Detection and diagnosis of the unsuspected violent deaths

Role of Forensic Pathology in CJS

- The Roles the Forensic Pathologist
 - Search for, recognise, acquire and preserve evidence present on or in the body
 - Elucidation of the pathogenesis of the homicidal incident
 - Careful and impartial of medical evidence at court

Role of Forensic Pathology in CJS

- Establishment and objective documentation the COD
 - History and circumstances surrounding the death
 - Anatomical examination of the body to answer medicolegal questions
 - Ancillary studies that are indicated
 - Opinion of the COD, MOD and Manner

Role of Forensic Pathology in CJS

- A search for the truth
 - The FP must always keep in mind and ask the question whether the medical data corroborate or contradict the statement given by the suspect and other witnesses.
 - Witnesses are not trained observers and in moments of stress, danger or excitement, their observations and inferences may be extremely unreliable.

Role of Forensic Pathology in CJS

- Detection and diagnosis of the unsuspected violent deaths
 - Not all homicides have a self revealing character.
 - Homicidal deaths that simulate natural disease.
 - The most effective deterrent to would be secret murderers is a system that diagnoses violent deaths

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Role of Forensic Pathology in CJS

- Elucidation of the pathogenesis of the homicidal incident
 - From the observations, study and analysis of the fatal incidence, the FP can deduce critical facts and opinions which are valuable for reconstructing the circumstances surrounding the death and fatal incidence its self.

Role of Forensic Pathology in CJS

- Careful and impartial of medical evidence at court
 - The FPs duty is to the court.

Conclusion