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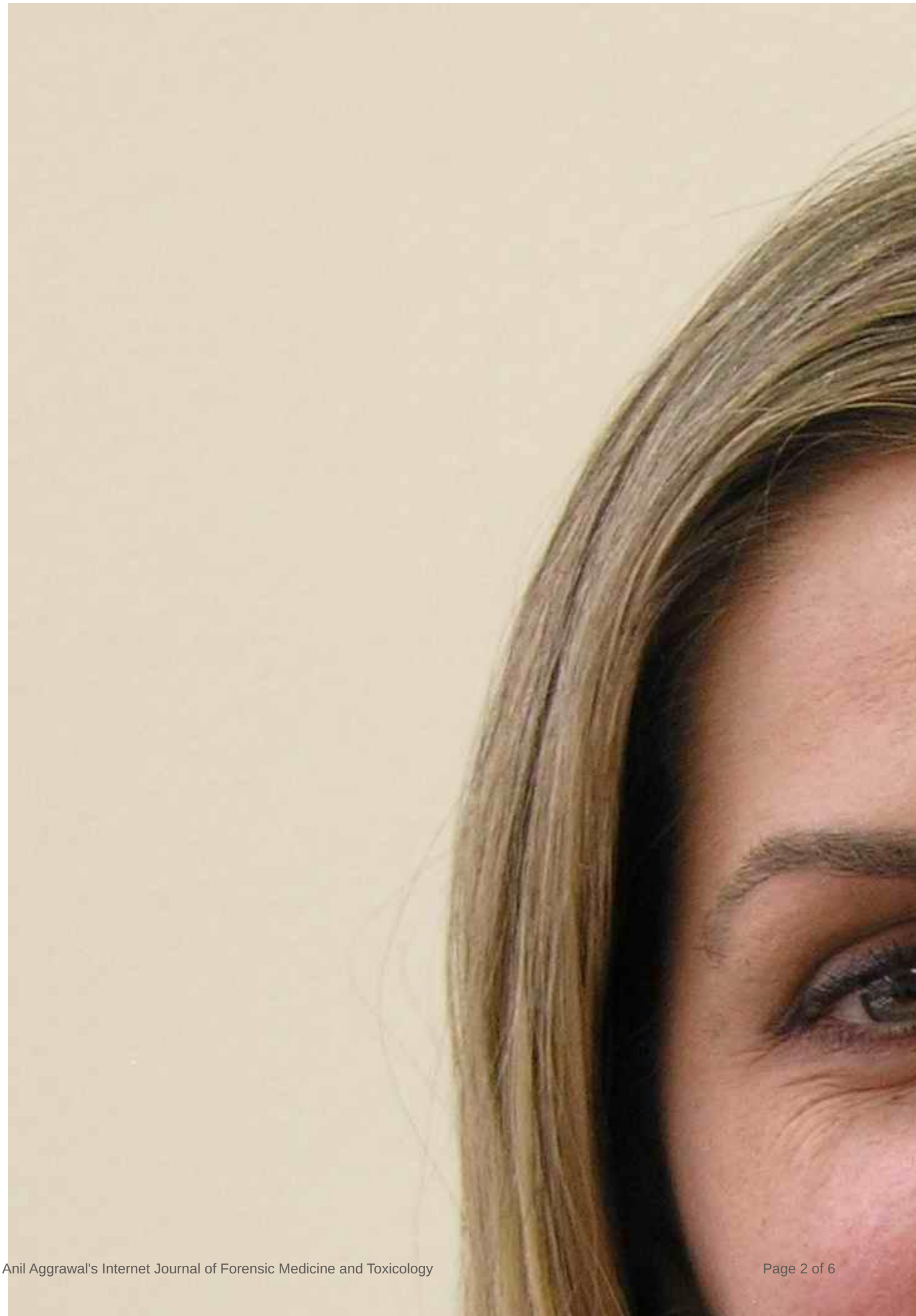
Editorial

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Release of forensic information to the Media: How "harmless" is it?

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The public's appetite for information about crime, its perpetrators, and its victims appears almost insatiable. The more gruesome the crime and the more intimate the details revealed, the greater the level of public interest. Deviance appears to be a prime component of newsworthiness and "crime stories" derived from police and court reports appear in the newspaper with great frequency.[1]

Since forensic pathologists are likely to be involved in the most shocking cases, and to be possessed of the most titillating pieces of information, they are often assiduously courted by the media and implored to share their knowledge. Recent months have witnessed television specials devoted to crimes in which forensic pathologists spoke in great detail about their cases. Can such behavior be justified? I must admit that there are cases which have attracted great attention and interest and for which there is an urgent need for information. An airplane tragedy, for example, may provoke not only pain and grief to the public, but also serious suspicions. In the absence of any official information, the gap may be covered by unsubstantial rumors, leading to serious consequences, even to political instability. I would argue, however, that in most circumstances, such disclosures are not ethically or legally justified and moreover, they can have serious consequences from several aspects, such as:

Giving clues to the perpetrator: Estimated time of death, suspected weapon, evidence from the science investigation and circumstances of death, when publicized, may help the perpetrator to plan his/her alibi. Information disclosure concerning the pretrial procedure may create serious problems to the whole investigation and the future administration of justice.[2]

…After termination of the autopsy, evaluation is usually provisional because later findings and knowledge of other circumstantial facts can necessitate alteration and modification. Results of toxicological and histopathological examination may also offer valuable information and even lead to an absolutely different conclusion than that firstly obtained…
Formulating publicly wrong conclusions : After termination of the autopsy, evaluation is usually provisional because later findings and knowledge of other circumstantial facts can necessitate alteration and modification. Results of toxicological and histopathological examination may also offer valuable information and even lead to an absolutely different conclusion than that firstly obtained.[3] For example a "natural" supposed death may turn to be violent if drug overdose be revealed. Vice versa, a "violent" supposed death may turn to be natural, as for example a submersion death proved to have resulted from coronary complications.[4] It follows that f irst approach may result into misleading conclusions which when revealed to the public may place the forensic pathologist in a quite inconvenient situation.

Creating feelings of mistrust: In the last years some forensic cases attracted special interest. Several forensic pathologists and experts have been found to express and strongly support contradicting opinions and sometimes unsubstantial theories in television panels about those cases. Prolonged discussions and superficial conclusions may create feelings of mistrust among the people concerning the credibility of the experts.

Revealing sensitive personal data: Cause, manner and circumstances of death are sensitive personal data. Duty of doctor to keep confidentiality applies even after the death of the patient. Forensic pathologist of course violates this duty in order to report to the investigative authorities and to certificate the death. However that does not mean that violation of confidentiality is deontological and legal towards every direction. It is logical that a parent may not want to be widely spread that

his/her child died of illicit drug overdose. Respect to the personal data even after death and to the wishes of the close relatives is of grave importance.[5]

...The experience of interrogation during pretrial procedures and in the court is by itself traumatic for the victim of sexual, physical or other kind of abuse and he/she may suffer even greater damage when details about his/her case and personal life are publicized. Especially date-rape victims are frequently faced with suspicion and prejudice as they considered responsible for the incident...
Deteriorating the situation of an abuse victim : The experience of interrogation during pretrial procedures and in the court is by itself traumatic for the victim of sexual, physical or other kind of abuse and he/she may suffer even greater damage when details about his/her case and personal life are publicized. Especially date-rape victims are frequently faced with suspicion and prejudice as they considered responsible for the incident. The situation worsens even more when the whole investigation does not reveal any evidence (due to several toxicological difficulties in such cases) leaving the victim devastated, disgraced and exposed to the public.[6]

Damaging the family unit in cases of alleged child abuse : Child abuse is frequently performed by close relatives, even parents, and in most times it is very difficult to be proved. It needs multi-professional approach and forensic pathologist may need to cooperate with pediatricians, psychiatrists, social workers, authorities, and others. If the perpetrator is not a parent, the reporting of the case to the media may provoke murmur and suspicion in the environment of the child and cause serious damage to the family unit. Even if the perpetrator is a close relative, the publicity may destroy the possibility for an almost normal life with the support of the proper services and professionals. Of course, the announcement of the child's name is not permitted, when however details about the place and the circumstances are released, the child may be recognizable in his/her close environment.[7]

Reinforcing stereotypes : Media effects on public attitudes imply the danger to further reinforce stereotypes. The link between mental illness and violence suggested by dominant media portrayals induces fear and uncertainty in the reader or the viewer. The image emerging from the press coverage of mental illness, for example, is dominated by information suggesting a strong relation between mental disorder and violent crime. Reports on the mentally ill are mainly presented in a sensationalist fashion, especially by means of combining mental illness with crime in headlines. The percentage of those in the general population who believe that the attributes “unpredictable” and “dangerous” applied to people suffering from mental illness increases markedly in relation with widely publicized cases of crimes perpetrated by mentally ill people. It seems that people tend to generalize from the behavior of a minority of individuals they were confronted with in the press reports. As a consequence of the discriminatory media discourse, which devalues people with mental illness as an out-group, and the fear produced by depicting mentally ill individuals as dangerous and unpredictable, people are likely to avoid contact with someone suffering from mental illness.[8]

...The role that our culture's pervasive media violence plays in offenses perpetrated by young people is not comprehensively studied. There are, however, serious indications that it may be of grave importance...
Provoking media-inspired crimes: The role that our culture's pervasive media violence plays in offenses perpetrated by young people is not comprehensively studied. There are, however, serious indications that it may be of grave importance. In a recent report, the case of a 13-year-old boy who committed a witnessed media violence-inspired sexual homicide is described. The boy had multiple

indicators of brain dysfunction, and watched a "slasher" film just before committing the blitz style crime upon a female neighbor. It is probable that when a backdrop of developmental abnormalities, neuropsychiatric vulnerabilities, family dysfunction, and mental illness already exists, may be combined with the tinder of erotic screen violence and even lead to sexual murder. Obviously, one does not maintain that viewing violence results in all viewers becoming violent but there is no doubt that this adverse effect will be produced in certain susceptible individuals. If this should be in only one person, it would still be one too many.[9 ,10 ,11]

In conclusion, it is obvious that release of information from the forensic pathologist to the mass media may create serious problems. It is a fact, undoubtedly, that as exciting source of information forensic medicine has always been in the intensified attention circle of mass media. Especially, high-profile cases of death are expected to attract abundant public interest and scrutiny. Forensic pathologists may frequently feel that they should defend their conclusions in the face of opposition not only from lawyers and the victims' families, but even from the media. I strongly believe, however, that principle of confidentiality should not let society receive information because forensic pathologist as a medical expert is a person who is specially warned not to divulge, and if in very particular occasions he/she does, a specific permission from the relatives and the investigative authorities should be obtained.

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