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MEDICO-LEGAL ASPECTS OF FORENSIC ODONTOLOGY IN CZECH REPUBLIC

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Background: Since a long time the OPG is the most widespread and prescribed radiological Forensic odontology is a branch of medicine which is significantly involved in dealing with issues related to the assessment and evaluation of the severity of the injury in the orofacial area, mechanism of injury, the resolution of complaints on the suitability or the incorrectness of the treatment, identification of unknown persons, analysis of bite marks and cooperation with government in the case of mass disaster. The basic medico-legal aspects of forensic dentistry in the Czech Republic are explained in the examples of the author's activities as an expert witness in the field of forensic medicine and forensic odontology.

For this activity there are several laws in the Czech Republic that the position of the doctor as an expert edits and which has been revised in the last 5 years. The basic legislative instrument applicable to expert activities in the Czech Republic is the Law on the Experts and Translators. It regulates who is authorized and under what circumstances expert opinions are provided. Expert opinion is one of the main evidence in the investigation of accidents in the preliminary criminal proceedings.

Comparison of the data given by the offender, victim and witnesses with the clinical findings, based on knowledge of biomechanics of injury of the orofacial system, clarify the accident process, because quite frequently it happens that the offender refuses to give testimony at all, or knowingly denies knowledge of plot, to avoid criminal prosecution. Case reports, where special knowledge from odontology was an essential part of the criminal and civil legal proceedings, are brought in. Medico-legal expert witness expresses his opinion on the severity of the injury to health disorders and its duration. These two indicators have a significant effect on the legal classification of the injury and the amount of the penalty for the committed violence. Another law act that applies to the qualifications of the severity of the injury in terms of a judicial-medical, is the Penal Code. In criminal proceedings three situations of health disorders may occur (minute injury, bodily harm and grievous bodily harm) according to which the injury is classified and if injuries is rated as some of the last two, the Court awards the penalty.

As far as civil proceedings, most frequently cases for injury (pain) compensation and disability are solved. Increasing number of cases of complaints about the procedure for the provision of dental care can be registered in the recent years. While compensation for injury (pain) and disability is usually performed and assessed by treating doctor according to Edict on Compensation of Injury and Disability, cases of complaints on mal treatment are solved by expert witnesses.

Last but not least is glorious application of forensic odontology in the identification of unknown persons. A wide range of methods is used to support the identification i.e. estimation of age, registration of dental health and markants for comparison AM and PM data. Forensic dentistry along with fingerprints and DNA profiling constitutes an essential set of identification methods. However, as well as other identification methods, it is limited by the availability of dental records to compare. The biggest advantage, however, is that the dental records in the Czech Republic must be kept for at least 10 years after the death of the patient. So, comparison of findings of the AM and PM is a fast and efficient method of identification.

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