

Ethical guidelines in forensic expertise practice

Paulo Enio Garcia da Costa Filho
Elias Abdalla-Filho

Abstract

This research article discusses peculiar aspects to forensic expertise exercise, which, often faces situations in which there is a contrast between professional and ethical principles. Through the application of a questionnaire to the forensic experts from the Crime Sciences Institute of Federal District Civil Police, the present study aimed to verify the existence of ethical guidelines adopted by these professionals, and to examine them with the intention of generating bioethical reflections and to propose adjustments considered necessary. The study concluded that there is dissatisfaction among professionals about the received ethical guidelines, as well as negative opinions about the ethical approach of their peers. It also concluded that forensic experts need specific ethical references for forensic practice, particularly when dealing with the corpse and its relatives.

Key words: Bioethics. Ethics professional. Ethical analysis. Forensic sciences. Civil police

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Paulo Enio Garcia da Costa Filho

Working in his Master's at the University of Brasilia (UnB), is expert in Bioethics by the University of Brasilia and in Forensic Expertise by the Catholic University of Brasilia, forensic expert of the Federal District Civil Police, Brazil

Forensic expertise, investigation foreseen in the Brazilian legislation when occurring supposed criminal events leaving vestiges, has the purpose to establish, by means of evidences, truthfulness or falsehood of situations or events that are of interest of Justice ¹.

As part of this work, technical and material demonstration of existing presumed criminal event, reconstruction of location and scene of investigated event, and victim's identification as well as of authors. Forensic experts may face, while performing these activities, different moral dilemmas that require the need of ethical discussion, in such depth that may generate possible guidelines for professional exercise.

Expertise materializes through a report comprised by a written piece based in investigate material ².



Elias Abdalla-Filho

Doctor in Health Sciences (major: Bioethics) by UnB, full researcher and collaborator at UnB (Bioethics), forensic medical expert of the forensic psychiatry in IML of the Federal District Civil Police, Brazil

As soon as, and always, a police, judiciary, military or administrative authority has knowledge about a criminal act, it should request capable expertise that, in its turn, aims at instructing due process, in order to a judge builds his opinion through free appreciation of evidence ^{3,4}.

Experts are qualified or experienced people in certain subjects, who are in charge of the task to clarify an event of the interest of Justice ^{1,5}. The Judge, in his turn, builds his opinion from available evidencing elements. Expertise, among them, has particular importance due to its scientific, impersonal, and objective character ^{6,7}.

Consequently, one cannot allow an irresponsible, illicit, or ethically condemnable act from the expert. Acceptance by an individual, of all and any police measure, representing the State, without any justification or society's consent, has been replaced gradually by the requirement of knowledge from who will be examined by expert about reasons and intension about what is done. This new posture includes even the right and motivation that experts charges for possible damage from the institution, if there is evidence of non-compliance to ethical conduct or professional duties.

In this context is totally possible to consider that the forensic expert works all the time, without exception, with vulnerable people, simply for dealing only with individuals in deprivation state or, at least, in suffering. Therefore, one notices an inequality relation, mainly from the emotional standpoint. Additionally, being a police officer, he may wake fear in people, depending on the imaginary of each person – what just increases his responsibility in dealing with them. He may aggravate or lessen their suffering, depending on his ethical behavior. The forensic expert has, from technical point of view, a commitment with police

investigation. However, his social commitment is fundamental in order to consider him a true professional from the ethical standpoint.

In view of such context, this study aims at verifying existence of ethical guidelines that currently are adopted by forensic experts and to analyze them with objective of generating bioethical reflections about them, in addition to propose adjustment considered necessary from gotten results.

Contextualization of expertise work in the Federal District

The Police Technical Department (DPT), central technical and scientific agency, directly subordinated to the Federal District Civil Police (PCDF) General Management, has as main attributions to plan, coordinate, guide, and inspect execution of technical police units activities that are directly under its supervision: Criminal Institute (IC), Forensic Medicine Institute (IML), Forensic DNA Research Institute (IPDNA), and the Identification Institute (II). IC éis the organic unit for technical and operational execution that directs and inspects, evaluates and carries out forensic expertise examinations, necessary to investigate criminal offenses, through requirement of competent authorities ⁷. Activities that are exerted by forensic experts encompass expertise exams in documents, currencies, merchandises, corpses, instruments used in criminal offense practice, crime or disaster locations, as well as undertaking all needed investigations to

complement these expertise, and their respective reports ⁸.

The Criminalist may be understood as autonomous science, integrated by different branches of technical-scientific knowledge, which applies investigation to analyze material vestiges that are pertinent to offense event. It aims recognition and interpretation of extrinsic traces related to crimes or to criminals' identification, helping agencies in charge of administrating Justice ⁹.

The public service is a relationship of trust between the State and society, and it requires from servants, among other duties, fidelity to pertinent legislation, particularly, in the case, to the Brazilian Criminal Process Code. Thus, the forensic expert should have good notions about ethics and professional conducts. Currently, there are ethics codes in many forensic professional organizations. These codes emphasize society's interests through principles such as professionalism, efficacy, integrity, confidentiality, and honesty. Therefore, public institutions have obligation to provide an environment of resources and training for their forensic scientists, been highly recommendable that basic courses in ethics and professional conduct be implemented ¹.

Ethical reflections, as it happens in other professional areas, may be inserted in expertise practice from the study of bioethics, since this discipline refers to

use deontological philosophical methods that discuss moral problems, practices, and policies within the scope of professions, technology, of government and similar ¹⁰.

Bioethical focus

Deontological rules of conduct include duties like information, and they are part of experts' ethical responsibility during professional exercise. In certain cases, the duty to inform clearly is a prerequisite for consent and legitimacy of expertise act. Thus, the principle of autonomy is attended, in which every individual has, consecrated, the right to be the author of his fate, and of choosing the path that is of his convenience, independently of reasons that lead him to submit his belongings and his dwelling, in case, to an expertise. They add still to other professional duties that, in contrast, become society's right to abstaining from abuse, surveillance, care, and attention ¹¹.

However, despite all importance that deontological ethics, it seems to be insufficient for deepening ethical reflections about professional postures, as it presupposes to be met as codes are simply enforced. Nevertheless, to be ethically good is more than this, because enforcing ethical codes may be purely protocol. True ethical reflections may achieve the point of bothering some people by withdrawing them from autonomous posture in their professional exercise. Nevertheless, this effort is fundamental in order to achieve a work that may be truly valued and

recognized as detainer of public usefulness.

An impartial Justice system, equitable and foreseeable is the universal prerequisite for recognition by society of its value. Jurisdictions are recognizing increasingly the limited role that confessions and witnessing perform, what has increased progressively the importance of forensic science by courts. All commitment must target the establishment of ethically good posture, as this constitutes one of the basic pillars of the entire work. It is necessary to define clearly what may be considered as ethical violation, and to develop transparent and foreseeable methods of allegation investigations to such type of violation ¹².

Beauchamp and Childress theory of the four principles, notwithstanding their historical importance in bioethics realm, is impotent in face of daily major problems verified in poor people's lives in peripheral countries, what turns necessary an expansion and greater strengthening of theoretical supporting basis. In the forensic expertise practice of these principle to guide ethical action, since, as previously stated, the forensic expert works with eminently vulnerable people. Principlism (and its main regulating mechanism, the consent) reveals itself as a fragile instrument to ensure alone ethical expertise action in these very asymmetric circumstances,

With homologation of Unesco's *Universal Declaration of Bioethics and Human Rights* ¹³,

Some Latin-American bioethicists incorporate other theoretical and practical referential to bioethics. Among them, one can mention human rights, human dignity, responsibility, vulnerability, integrity, privacy, confidentiality, equality via equity, non discrimination and non-stigmatization, solidarity, and tolerance. It is fit still to remember the so-called four "Ps" for the bioethical exercise committed to the most unprotected, and with the *public common good: prudence, prevention, caution, and protection of the most fragile and vulnerable*¹⁴.

The variety of bioethical approaches allows use of more than one theoretical reference in order to study determined moral issues and dilemmas. The principles may be conciliated and even become complementary¹⁵. Principles such as vulnerability, protection, and justice were emphasized in this study, due to their close relation to proposed topic.

Vulnerability and the Bioethics of Protection

Bioethics of protection was thought, initially, to discuss moral conflicts that occur in health and quality life realms of individuals and people who, for one reason or other, would not been contemplated in their citizens' rights. In other words, this bioethical current seeks to protect those who, due to their life or health conditions, become vulnerable or fragile to the level of not being able to accomplish their potentialities, usually legitimate, due to lack of public policies guarantees¹⁴.

Thus, bioethics of protection must be increasingly more participatory in social processes, strongly arguing both not only against vulnerability and in favor of social practices and institutions with therapeutic of protecting features, including police institutions¹⁶.

Anthropological features of human condition suggest the need to develop deontological argumentation in support to protection as humanity's essential attribute. Protection must be universalized, since all human beings may share vulnerability, integrity, and dignity, depending the different situation that they might found themselves, requiring justice and respect for fundamental human rights. The expression vulnerability, being a feature of the entire humanity, is used incorrectly to nominate only individuals and population in distress¹⁷.

Vulnerability is one of the fundamental and intrinsic features of human beings, enough to inspire bioethical of protection requisites and respect for their rights so social justice may be achieved. It is in human being's essence and, as it does not constitute an ethical dimension in itself, it has legitimate and strong claim of protection, while this later is the ethical principle that adjust itself more suitably to its care¹⁷.

Some segments understand it as some individuals or groups status that have their capability of self-determination

reduced, above all in reference to free and clarified consent for any reasons or motifs¹⁸. However, reduction of autonomy does not mean necessarily vulnerability. Thus, the basic difference between reduction of autonomy and vulnerability would be connected to a relationship of inequality between two individuals or, still, between an individual or group of individuals with the society in which they are inserted as a decreased condition, if not annulled, to manifest his will. Therefore, vulnerability may have a relational feature¹⁹.

Respect, even in the professional environment, is the *sine qua non* condition for adopting a behavior considered adequate from ethics standpoint. This principle has several facets, and it may be best understood by Kant's categorical imperative, about treating any person with humanity, never simply as a means, but as an end in himself as well. EmIn other words, it means to give consideration to someone at first sight, that is, respect must be central, primary, but never secondary to any other end, which would disqualify him as such. Recognition respect (Kantian) is an attitude, not an outcome. To feel respected is a core ingredient in equity perception. In parallel, not being treated or recognizes as equal is considered as unfair and disrespectful²⁰. In this sense, protection is a necessary condition in order to a professional career be inserted in the realm of ethics, and in order to the vulnerable or fragile have possibility to live dignified and to accomplish

their reasonable life projects, shared with the others²¹.

The mission to ensure individual rights is of the State – and of its institutions – which are permanently in risk of violation. Thus, protection of the vulnerability of all citizens was set as fundamental. For some, this is the sole legitimate action of the State¹⁷.

A matter of justice

Maximization and overexposure of the principle of autonomy, until around 1998, turn the principle of justice into a mere supporting role of the principlalist theory, a sort of appendix, of lesser hierarchic importance. However, during the next decade, major debates brought into sight the necessity for bioethics to incorporate it into its field of reflection and applied action, from current socio-political topics, as well as issues related to regional disparities^{14,22}.

Protection, targeted to reduce overall vulnerability, should be set at disposition of all citizens under the principle of justice. No State can justify the affirmation of legitimate political and legal sovereignty over its topics, except if it capable to provide a minimum of safety for people from external aggressions, as well as caring for internal criminality¹⁷.

A society and the necessary relations to maintain its order must comply as well with the principle of justice. All social values should be distributed

equally, except if there is need to apply equity, that is, a unequal distribution of a few or of all its values are redundant in benefit for all, particularly for those most in need, as often is observed in cases that there is necessity of a police institution acting²³. This principle, for Beauchamp e Childress, is the expression of distributive justice, that is, fair, equitable, and appropriate distribution of society's goods and resources, in accordance to the norms that structure the terms of social cooperation²⁴.

Although all human beings may share vulnerability (as previously mentioned), it is possible to notice in a hierarchic situation this sort of sharing is extremely unbalanced and, consequently, vulnerability may fall only over part of the population. Police universe is a paradigmatic example of this sort of situation in which professional is detainer of a power exerted over society¹⁷.

Material and method

This is a descriptive study, of prevalence and not controlled, considered by authors as a research essentially qualitative, remembering that quantitative and qualitative do not exclude one of the other, but rather, they add, they are complementing. One single group of forensic expert was selected from the staff of Federal District Civil Police (PCDF) IC, specific official institution of the Federal District Government for expertise examinations. This study emphasized

reality of this agency since it was due to professional experience from one of the authors of this research that the core idea for this article arose.

A questionnaire was applied, regarding which all subjects of the research were duly clarified about its objectives and end, as well as they were assured confidentiality, privacy, and right to non participation, ensuring use of information without any loss for them. The project was submitted to the University of Brasilia Ethics in Research Committee, and it was approved with reserves.

After expressed authorization from PCDF's IC director, researchers delivered questionnaires and they returned duly answered, in writing, by interviewees. Forensic experts interviewed were not requested to provide names or there was not insistence with those who preferred not to respond totally or partially. All interviewees signed the free and clarified consent term (TCLE), in two copies in the questionnaire, along the following information: *the refusal in participating of the research or to respond questions that cause embarrassment does not carry risk of penalties within professional scope, and participation is completely voluntary.*

The chosen instrument for data collection was a semi-structured questionnaire and the option for a

written questionnaire instead of a personal interview, was decided due to its application objectiveness and feasibility. Initially, a pre-test was carried out concerning questionnaire comprehension. Only after certification of its undertaking, it was applied to study population. The questionnaire, in its final format, comprised two parts: the first, denominated data about the *forensic expert*, represented by expert's characterization (age, gender, period of professional experience in forensic expertise, undergraduate college studies, and if any course in ethics had been taken, in addition to specialization). The second, with 13 specific open questions with multiple choices, which enabled collected data quantitative and qualitative analysis. The objective of collecting these two data groups was to survey the existence or not of possible association between them through crossing of collected information.

Surveyed universe, for this research, comprised of all forensic experts allocated in PCDF's IC, except the researcher. The choice for these professionals occurred because this institution is an official agency of the GDF, responsible for carrying out forensic expertise. Thus, the sample fitted within the so-called of *convenience*, although this name is not well suited for selected group, comprising the totality of professional working in the institution when the questionnaire was submitted. One may consider, however, that such denomination for the research is applicable in relation to the universe of forensic expertise in the DF, considering that it, in addition to

IC, comprises professionals from the IML, IPDNA, and II.

Current, PCDF's IC staff comprises 201 forensic experts when one considers those working in the institute – 172, and the researcher is one of them – those seconded to other public administration agencies – 22, in addition to 7 who retired recently. Therefore, surveyed population comprises 171 forensic experts, of both genders, independently of age group, professional experience or training in ethics.

Results

From the universe of 201 forensic experts of PCDF's IC, surveyed population comprised 171 subjects. Of these, 136 professional (79.53%) received questionnaire, and 35 (20.47%) did not, while 92 returned the questionnaire answered (53.80%). Nevertheless, among them, two professionals did not sign the free and clarified consent term, which was the reason that their replies were not use in data compilation. Thus, the number of questionnaires satisfactorily answered fell to 90 (52,63%). Forty-three forensic experts did not return them (25,14%). Only one of the interviewed (0.59%) refused to answer explicitly, with the allegation of exclusive work in his function in compliance to deadline set by his hierarchic superior.

Questionnaire delivery, as it was a transversal study, lasted about fifteen

days, did not fulfilled the totality of surveyed population. Those 35 professionals who did not receive questionnaires (20.47%) were not found for different reasons: vacation, leave, for personal or health reasons. However, it is fit to underline that the smallest number of respondents, regarding surveyed universe, collaborate for the non-identification of study participants, which collides with the commitment of ensuring privacy and to expose interviewees.

Over two thirds of forensic experts replied the questionnaire (67.65%). Despite the fact that the two copies of the free and clarified consent term were the first two pages of the questionnaire, two professionals did not sign them. The fact that they answered duly proposed questions, one believes that they did not do it because they did not read the text or just plainly forgot about it. Since there was not identification of respondents in the questionnaires, it was not possible to researches to determine who were these two professionals and, consequently, request their signatures.

At least one third of professionals who received questionnaires (31,62%) did not return them to researcher. It is possible that some of the experts did not agree in participating for many reasons. Among them, one may ponder: mistrust about privacy of their reply, and lack of importance given to discussed topic, or even discomfort that it may generate. The percentage of forensic experts, in the other hand, who explicitly refused to answer the questionnaire

(0.74%) was of little significance.

The average age of the 90 interviewed was 40 years old, ranging from 24 to 57, and the median (measure of the central trend) 43. The mode (age most commonly found) was 43 years old, and the standard deviation of sample was 9.26. 70 professionals replied to be male (77.78% of interviewees); 17 were females (18.89%), and three (3.33%) did not reply to this question. The average professional experience period verified was 10.5 years, this sample median was 15, and standard deviation was 8.9; variation between minimum of one and maximum of 28 years.

Concerning higher education, forensic experts mentioned 27 different training, with average of 1.29 courses per professional. The most commonly mentioned were: Law – 16 (17.78%), Physics 14– (15.55%), Electrical Engineering – 12 (13.33%), and Biology – 12 (13.33%). When questioned about undertaking any course in ethics, 43 answered *no* (47.78%), 42 replied as *yes* (46.67%) – among these, 17 (18.89%) specified as part of the training course at the Civil Police Academy, and 25 (27.78%) as another ethics course – and 5 (5.55%) did not answered this question.

Seventy-four professionals (82.22%) answered *yes* when questioned if they had knowledge of existence of ethical guidelines for professional exercise of forensic expertise. However, majority of

them (63.33%) considered unsatisfactory ethical guidance provided to forensic experts. Despite this, there was a balance in answers about forensic experts' ethical discomfort in the enforcement of law: 48.89% answered yes, and 46.67% as *no*.

In replying to ethical approach of undertaken work by his professional class, 33.33% considered as satisfactory, and 51.11%, unsatisfactory. The reasons most mentioned to base such dissatisfaction were: non-existence or insufficient ethical guidance in the profession (14.44%); non-existence or insufficiency of discussions about topics connected to ethics (13.33%); lack of a professional ethics code (8.89%); lack of standard ethical behavior among experts (8.88%); disrespect to colleagues (3.33%); non-existence or insufficiency of ethical guidelines in forensic expertise practice (3.33%); non-existence or insufficient courses in ethics for professionals (2.22%); disrespect to corpse in locations of violent death (2.22%), and prevalence of expert's private interest detrimental to collective interest (2,22%).

When questioned, the majority of interviewees (87.78%) answered that they never left out any exam (or part of it) undone due to ethical dilemma. The majority (12.22%) answered positively, one third mentioned embarrassment associated to corpse nudity. Other dilemmas were mentioned just once.

Question if forensic expert uphold object(s) in benefit of a criminal investigation, regarding good ethics of this procedure, 87.78% provided a negative answer, Similarly, 71.11% of the interviewees denied having carried out examination at the crime scene, also in benefit of a criminal investigation, but they had doubts about the ethics of this procedure.

Question 10 referred to constraint perception on relatives of violent death victims during forensic expertise perinecropsy exam (the time in which corpse's detailed analysis is done, and of everything else related to the scene of a presumed crime event, including clothing – which may generate embarrassment in those who undertake the exam or are present at the practice). Results show 71.11% of positive answers, and 22.22% of negative replies.

The question about what leads a professional to a positive answer in previous question, there were 63 replies (70%). Thirty-three forensic experts (36.67%) mentioned the necessity of corpse's nudity in case of violent death; 18 (20%) justified their replies based in corpse exposition, in cases mentioning public environment; 15 (16.67%) pointed to presence of victim's relatives in the same violent death cases; 11 (12.22%) mentioned corpse handling during perinecropsy exam; 7 (7.78%) mentioned insufficient isolation of examined location; other 7 (7.78%) referred to presence of public and/or of the press in

investigation environment; 3 (3.33%) mentioned lack of information from violent death victim's family and from population, and 2 (2.22%) justified their replies based in perinecropsy exam in children or individuals of opposing gender.

When questioned about the necessity of specific ethical references to exert their profession, 55.55% answered yes, 30% no, 13.33% did not have opinion about it, and 1.11% did not reply. Ethical principles considered indispensable for the exercise of profession were: respect (11.11%), secrecy or discretion (10%), respect, specifically to individual or to individual's dignity (7.78%), impartiality (6.67%), professionalism (6.67%), respect for corpse and his family (5.55%), legality (4.44%), honesty(4.44%), responsibility (3.33%), justice (3.33%), integrity (2.22%), human rights (2.22%), tolerance and equity (1.11%). Os Beauchamp and Childress' four principles were mentioned, similarly, just once (1.11%).

Discussion

Among interviewed forensic experts, the average age (forty years) was close to sample median (43 years), which denotes uniform distribution of their ages, between 24 and 57 years old. The high standard deviation (9.6 years) corroborates such inferring. Male subjects added to over three fourth (77.78%) of all interviewees, in agreement with the reality of other PCDF institutes, and departments. One highlights that three professionals did not indicate their gender,

possibly because their did not understand the meaning of the expression gender or with objective of making difficult a possible identification of their questionnaires by researchers.

Average of interviewed forensic experts' experience (10.5 years) was different of the median of the same sample (15 years). This evidences that majority of subjects had more experience time than the average found. The high standard deviation (8.09 years) denotes high variation among answers given to this question.

The 27 different high-level courses found in interviewees' replies point to a large variety of their professional training. Courses most usually mentioned point considerable variation among science studies (Humanities, Exact, and Natural). The average of 1.29 high level courses per interviewee shows apparent intellectual preparation of researched population. However, concerning previous undertaking of any ethics course, almost half of interviewees replied never taken it, despite been mandatory to take this course during professional training supplied to forensic experts when entering the career – which seems significant as it reveals a little valuation or non-valuation of approached topics.

The fact that majority of interviewees (82.22%) recognizes existence of ethical guidelines in professional exercise denotes the perception, even if theoretical, of existence of guiding principles in forensic expertise work.

However, the majority of respondents (63,33%) considered dissatisfactory practical ethical guidance provided to forensic experts, which justifies carrying out this study, and it shows that this concern is not just of researchers, but of research subject as well, indicating failures from their hierarchic superiors. In addition, one may suppose that expert who replied negatively regarding provided ethical guidance has interest in acting better ethically, but he does not know how to do it – since he did not get such guidance.

With the balance found in provided answers, when questioned about situations that cause forensic expert's ethical discomfort in law enforcement, one verifies perception, by large portion of interviewees, of individuals' moral dilemma situations during forensic expertise practice. Those interviewees that replied negatively, one may suppose that they act naturally and are satisfied from ethical standpoint. However, only one third of interviewees consider ethical approach satisfactory from ethical standpoint their undertaken work. It is worth highlighting that over half of professionals judge unsatisfactory the collective professional behavior. In other words, one notices that about half of interviewees consider his own work as ethically good, but the majority shows dissatisfaction with colleagues' ethical approach. This may reflect lack of self-criticism, in which interviewee only criticizes the other's behavior. Some of the reasons to base interviewee's dissatisfaction regarding their peers indicated similarity, if added, to non-existence or insufficient ethical

guidance, the non-existence or insufficient ethical guidelines, and the non-existence of ethical code mentioned in 26.67% of questionnaires.

It is important to highlight difference noticed by authors among the words *guidance*, *guidelines*, and *code*. Following up a grading, guidance means disposition to think and act correctly, in accordance to set direction; guidelines mean an indication, instruction, or even norm that serves to direct or guide, more strictly; and code is a set of norms or rules strictly structured that do not allow flexibility with the same goal.

Among other reasons considered as important and mentioned by interviewees are non-existence or insufficient discussion about topic related to ethics, and lack of a professional ethics code. These arguments are significant since they reinforce the little valuation of the topic in the institutional environment and, at the same time, they make professional behavior standardization difficult concerning ethics.

Of the 46 interviewees who replied considering unsatisfactory the approach to ethics about work undertaken their professional class, 40 (86.95%) replied judging unsatisfactory ethical guidance provided to forensic experts, as well. This means that majority attributes, at least formally, undue collective professional behavior to a fault in ethical guidance supplied by their hierarchic superiors.

Absolute majority of interviewees (87.78%) replied that never left out some exam undone (or part of it) due to ethical dilemma. This fact may be related to existence of norms – such as, for example, the Criminal Process Code – that do not guide work under ethical point of view, but set forensic expert's working field and its limits under legal standpoint. DaquelesFrom those who reveal such concern that they left undone a forensic expertise procedure – and this the maximum point of ethical deadlock, which leaves the subjective plan and objectively paralyzes a professional practice – the constraint associated to corpse emerged as most frequent item. Even though showing in only 12.22% of questionnaires, positive replies to abstention in undertaking any exam, it supposes the necessity of discussing ethical guidelines for the profession, and they reinforce, in its own, justification for present work.

Two questions served to identify specific difficulties in professional behavior in routine situations related to other's property and to corpses and his relatives, instances that may generate moral deadlocks as it deals with strange people's interference (experts) in presumably violated rights. One verifies, in them, that two thirds of interviewees replied not having doubts regarding good ethics of one or other forensic expertise procedure, while one third replied positively to, at least, one of the questions. Only 7.77% of interviewees admitted having doubt in both cases. Thus, one may supposed that considerable portion of professionals privileged professional exercise from the technical standpoint, even if feeling ethically uncomfortable, and that there is need to discuss ethical guidelines for these specific types of procedures.

Far from presenting as consensus, over 70% of respondents perceive constraints from violent death victims' relatives during perinecropsy exam. In this item, another way to survey an ethical conflict is used. In face of possible resistance of interviewees to perceive in himself some kind of constraint or even its absence, one questions if such perception in other people or group of people, from the principle that, in many situations, it is not possible to know the source of constraint.

Almost half of the interviewed (44.44%) replied positively to both question related to situations in which the professional himself feels uncomfortable from ethical standpoint, during forensic expertise examination, and those in which there is constraint by someone else. Almost one fourth (23.33%) attributed constraints just to others, while 3.33% only to themselves. Independently of constraint occurring in him or in the other, there is a situation deserving ethical discussion. What does this constraint may reveal? Possibly the interviewee's imaginary, which may exert some effect over his professional posture. Justifications such as nudity, handling and exposition of corpse, in addition to presence of relatives, added up, appear in more than three fourth of the replies given to questions demanding the reason for a professional attributes to constraint on violent death victims' relatives side.

Preceded by all questions that may give interviewees a panoramic view of ethical complexity of his work, the question about necessity of specific ethical references for forensic expertise got majority of positive replies (55.55%). This shows interviewees' perception of ethical principles that may guide his forensic expertise work, like some of those mentioned, respect, discretion, impartiality, honesty, justice, among others. For negative replies cases, which reached 30%, one may suppose that forensic expert does not find difficulties or ethical dilemmas in professional exercise. The fact that 55.55% of interviewees replying "no" to this question, replied similarly, negatively, to all questions that dealt with discomfort, doubts, and ethical dilemmas corroborate to such presumption.

Final considerations

This is a preliminary research about proposed topic, in which consensual responses were not gotten. Additionally to consensus not been the objective of present work, it is exactly the plurality of answers that provides a enriched bioethical discussion. It was possible to perceive certain resistance of the interviewed population, since one third did not submit prepared questionnaire. Moreover, one may perceive a posture slightly defensive on part of those who were not available to answer it.

However, all this discussion encompasses a common point: the interviewees' look. The majority directs his focus to outside world. As consequence, they are able to see and to prioritize their colleague's limitations in place of their own, which for researchers may be translating into a defensive posture, as supposed above or lack of self-criticism. Any of these hypothesis may be considered as worrying in as much as it reveals an apparently passive posture, in the sense of waiting for external answer, are given through guidance from their hierarchic superiors and/or by implementation of codes. As discussions about human rights show, an active posture, with introspection and reflection about their own undertaken work, is essential element for construction of citizenship.

In face of exposed, it is possible to consider existence of heterogeneity of ethical perceptions and posture of interviewed experts. From descriptive demands, such as dissatisfaction of received ethical guidance, as well as unsatisfactory ethical approach of their peers and, mainly, the necessity of specific ethical references for forensic expertise practice, particularly in dealing with corpse and his relatives, one may deepen the discussion on the guiding principles of a good ethical posture in professional exercise without binding this to the principlalist current or any other that makes difficult the free reflection about proposed topic.

Resumen

Directrices éticas en la práctica pericial criminal

Este artículo de pesquisa discute aspectos peculiares al ejercicio de la función de perito criminal, el cual, frecuentemente, se depara con situaciones en que hay contraposición entre sus deberes profesionales y sus principios éticos. Por medio de la aplicación de cuestionario a los peritos criminales del Instituto de Criminalística de la Policía Civil del Distrito Federal, el presente estudio objetivó verificar la existencia de directrices éticas adoptadas actualmente por esos profesionales y examinarlas con el intuito de generar reflexiones bioéticas, además de proponer ajustes considerados necesarios. El estudio permitió concluir que hay insatisfacción entre los profesionales a respecto de las orientaciones éticas recibidas, así como referente a la opinión negativa sobre el abordaje ético de sus pares y, principalmente, en lo referente a la necesidad de referenciales éticos específicos para la práctica pericial criminal, especialmente cuando se trate del trato con el cadáver y sus familiares.

Palabras-clave: Bioética. Ética profesional. Análisis ético. Ciencias forenses. Policía judicial.

Resumo

Este artigo de pesquisa discute aspectos peculiares ao exercício da função de perito criminal, o qual, frequentemente, se depara com situações em que há contraposição entre seus deveres profissionais e seus princípios éticos. Por meio da aplicação de questionário aos peritos criminais do Instituto de Criminalística da Polícia Civil do Distrito Federal, o presente estudo objetivou verificar a existência de diretrizes éticas adotadas atualmente por esses profissionais e examiná-las com o intuito de gerar reflexões bioéticas, além de propor ajustes considerados necessários. O estudo permitiu concluir que há insatisfação entre os profissionais a respeito das orientações éticas recebidas, bem como referente à opinião negativa sobre a abordagem ética de seus pares e, principalmente, quanto à necessidade de referenciais éticos específicos para a prática pericial criminal, especialmente quando do trato com o cadáver e seus familiares.

Palavras-chave: Bioética. Ética profissional. Análise ética. Ciências forenses. Polícia judiciária

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Contacts

Paulo Enio Garcia da Costa Filho - pauloenio@yahoo.com.br

Elias Abdalla-Filho - elias.abdalla@terra.com.br

Paulo Enio Garcia da Costa Filho - SHCGN 705, Bloco F, Casa 13 CEP 70730-766. Brasília/DF, Brasil.