

# Policy Statement 6.16 – Forensics in Dentistry

## Position Summary

Accurate and comprehensive dental records can assist forensic authorities and law enforcement agencies in identification of human remains and provide vital information in investigative cases, even where little else is available.

## 1. Background

- 1.1. Identification of deceased persons by comparing dental remains with ante-mortem dental records is an important function especially in the event of a mass disaster and individual incineration, fragmentation, decomposition and skeletalisation. Even in circumstances where little else is available for human identification, hard tissues such as teeth often remain.
- 1.2. International and Australian Authorities such as Interpol and State Coroners in Australia have endorsed friction ridge (fingerprint) analysis, comparative dental analysis and DNA analysis as the three primary forensic identifiers. Any one of these can be a standalone identifier, with dental often being the most expedient and cost-effective.
- 1.3. The 13 Australian Privacy Principles (APPs) provide the latest guidance on the collection, use, disclosure and storage of personal information. These APPs came into effect on 12 March 2014. Principles 3, 6, and 8 of the APPs includes provisions for the collection, use or disclosure of sensitive personal information if required or authorised under an Australian law or a court/tribunal order or by an overseas authority.
- 1.4. Dental evidence may be used in investigative situations both criminal and civil.
- 1.5. The expertise of dentists is often required in investigations pertaining to living, missing or deceased persons.
- 1.6. Legible and comprehensive dental treatment records including radiographs greatly assist forensic processes.
- 1.7. For legal purposes it is necessary that all available original dental records (including radiographs) are supplied in order to provide the highest quality material to compare (this is known as the Best Evidence Rule).
- 1.8. There is not a national standardised minimum time limit for the retention of dental records.
- 1.9. The importance of forensics in dentistry is acknowledged by specialist recognition and the establishment of the Australian Society of Forensic Odontology.

### Definitions

- 1.10. ANTE-MORTEM DENTAL RECORDS are any patient dental records made before death.
- 1.11. FORENSIC ODONTOLOGY is that part of dental practice which deals with the examination and evaluation of dental evidence, which may then be presented in the interests of justice.

## 2. Position

- 2.1. Dentists should release all original dental records requested by law enforcement agencies in a timely manner. However, they should be given the opportunity to copy them before supplying the originals.
- 2.2. Legible and comprehensive dental records must be kept for at least the minimum statutory period and dental practices are encouraged to retain dental records for as long as practicable.

- 2.3. There should be a single national standardised minimum time limit for the retention of dental records.
- 2.4. Law enforcement agencies should provide a receipt to the dentist for all records retrieved, to establish a chain of custody for the evidence provided.
- 2.5. To assist forensic investigations:
  - all dental records should record the name and date of birth of the patient on each individual item, and,
  - dentures should be marked with the patient's name and such marking noted in the dental record.
- 2.6. To avoid accusations of fraud or corruption of evidence, original records must not be altered unless it remains obvious as to what was present beforehand.
- 2.7. The importance of forensics in dentistry should be recognised by governments providing adequate funding to advance the field and ensure adequate expertise across Australia and support any international obligations that may arise.

#### **Policy Statement 6.16**

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