

Inquiry into Pediatric Forensic Pathology in Ontario

R E P O R T

Volume 1: Executive Summary

The Honourable Stephen T. Goudge
Commissioner

Published by the Ontario Ministry of the Attorney General
© Queen's Printer for Ontario 2008

ISBN 978-1-4249-7792-5 (Print) (set)
ISBN 978-1-4249-7793-2 (Print) (v. 1)
ISBN 978-1-4249-7794-9 (PDF) (v. 1)

Copies of this and other Ontario Government publications are available from Publications Ontario at ServiceOntario Centre, College Park Building, 777 Bay Street at College, Toronto M5G 2E5. Out-of-town customers may write to Publications Ontario, 50 Grosvenor Street, Toronto M7A 1N8. Telephone (416) 326-5300; (416) 325-3408 TTY; or toll-free 1-800-668-9938 or 1-800-268-7095 TTY. Internet: www.publications.serviceontario.ca.

This Report is also available at www.goudgeinquiry.ca for one year following publication, and, thereafter, at www.attorneygeneral.jus.gov.on.ca.

Disponible en français

LIBRARY AND ARCHIVES CANADA CATALOGUING IN PUBLICATION DATA

Inquiry into Pediatric Forensic Pathology in Ontario
Inquiry into Pediatric Forensic Pathology in Ontario report
[electronic resource]

Issued also in French under title: Rapport de la Commission
d'enquête sur la médecine légale pédiatrique en Ontario.

Includes bibliographical references.

Electronic monograph in PDF format.

Available also in printed form.

ISBN 978-1-4249-7794-9 (v. 1)

978-1-4249-7796-3 (v. 2)

978-1-4249-7798-7 (v. 3)

978-1-4249-7800-7 (v. 4)

1. Forensic pathology—Ontario. 2. Forensic pathology. 3. Pediatric pathology. 4. Medical jurisprudence. 5. Child abuse—Investigation—Ontario. 6. Criminal justice, Administration of—Ontario. 7. Child welfare—Ontario. I. Title. II. Title: Rapport de la Commission d'enquête sur la médecine légale pédiatrique en Ontario.

RA1063.4 I57 2008

614'.108309713

C2008-964036-5

Contents

Volume 1: Executive Summary

Executive Summary	3
The Death of a Child and the Criminal Justice System	3
Growing Concerns and the Establishment of the Commission	6
The Science of Forensic Pathology	8
The Practice of Pediatric Forensic Pathology	10
Training and Experience	11
Autopsy Practice	14
Interaction with the Criminal Justice System	15
Providing Evidence	16
Dr. Smith and the Challenge of Oversight	19
Oversight of Pediatric Forensic Pathology	20
Institutional and Organizational Weaknesses	21
Failures of Oversight through the 1990s	23
Summary	31
Restoring Confidence in Pediatric Forensic Pathology	34
Professionalizing and Rebuilding Pediatric Forensic Pathology	34
Legislative Recognition of a Professionalized Forensic Pathology Service	35
An Educational Foundation for a Professionalized Forensic Pathology Service	36
Recruitment and Retention of Forensic Pathologists	37
Adequate and Sustainable Funding	38
Effective Organization and Oversight of Forensic Pathology in Ontario	39
The Ontario Forensic Pathology Service	39
The OPFPU	40
Protocol for Criminally Suspicious Pediatric Cases	41
The Governing Council	41
The Registry	43
The Role of the Forensic Pathologist	43
Basic Principles for Best Practices	43

Effective Communication with the Criminal Justice System	44
The Roles of Coroners, Police, Crown, and Defence	46
The Role of the Court	47
Pediatric Forensic Pathology and Potential Wrongful Convictions	48
First Nations and Remote Communities	49
Pediatric Forensic Pathology and Families	50
Conclusion	51
Consolidated Recommendations	53

Volume 2: Systemic Review

<i>Acknowledgments</i>	xv
<i>Abbreviations and Acronyms</i>	xvii
<i>Glossary of Medical Terms</i>	xix

1 The Death of a Child and the Criminal Justice System	3
2 Growing Concerns	7
3 Establishment of the Commission	44
4 Investigation of Suspicious Pediatric Deaths	51
5 Legislative Context	60
6 The Science and Culture of Forensic Pathology	66
7 Organization of Pediatric Forensic Pathology	80
8 Dr. Smith and the Practice of Pediatric Forensic Pathology	115
9 Oversight of Pediatric Forensic Pathology	205

Volume 3: Policy and Recommendations

<i>Abbreviations and Acronyms</i>	xiii
<i>Glossary of Medical Terms</i>	xv

10 Restoring Confidence in Pediatric Forensic Pathology	281
11 Professionalizing and Rebuilding Pediatric Forensic Pathology	284
12 Reorganizing Pediatric Forensic Pathology	308
13 Enhancing Oversight and Accountability	331
14 Improving the Complaints Process	363
15 Best Practices	372
16 Effective Communication with the Criminal Justice System	406
17 The Roles of Coroners, Police, Crown, and Defence	437
18 The Role of the Court	470

19	Pediatric Forensic Pathology and Potential Wrongful Convictions	514
20	First Nations and Remote Communities	546
21	Pediatric Forensic Pathology and Families	567
22	Conclusion and Consolidated Recommendations	588

Volume 4: Inquiry Process

23	The Scope and Approach of the Inquiry	635
	Appendices	675
	Commissioner and Inquiry Staff	985