



NOVA SCOTIA
PUBLIC PROSECUTION SERVICE

DOCUMENT TITLE:

**THE DEATH OF A CHILD LESS THAN FIVE YEARS OLD
-CASE CONFERENCE COMMITTEE REQUIRED**

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NOTE:

THIS POLICY DOCUMENT IS TO BE READ IN THE CONTEXT PROVIDED BY THE **PREFACE** TO THIS PART OF THE MANUAL.

CERTAIN WORDS AND PHRASES HAVE THE MEANINGS ESTABLISHED IN THE "**WORDS & PHRASES**" SECTION OF THIS PART OF THE MANUAL.

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The Report of the Inquiry into Pediatric Forensic Pathology in Ontario (the Goudge Inquiry), released on October 1, 2008, points out that opinion evidence, particularly in the field of pathology, that is apparently sound may have serious flaws that can be detected only if the evidence is carefully scrutinized. The legal and social consequences of a prosecution based upon flawed opinion evidence can be horrendous when the prosecution relates to the death of a young child. For that reason, the policy of the PPS entitled "The Decision to Prosecute" was amended in February, 2008 to require the establishment of a case conference committee in regard to all prosecutions involving the death of a child less than five years old. The particulars of the policy amendment are as follows:

When the case involves the death of a child less than five years old, the Chief Crown Attorney for the region where the death occurred shall convene a case conference committee to review the available evidence, including any expert evidence, to determine whether or not a realistic prospect of conviction exists for criminal charges. When appropriate, the committee may request further investigation and additional expert evidence. The case conference committee for these cases shall include the Chief Crown Attorney for the region where the death occurred, at least one other Chief Crown Attorney, the Deputy DPP or his designate, and such other persons as the Deputy DPP directs. The committee shall be convened as soon as it is practicable to do so.

"Decision to Prosecute", page 11

The case conference committees for such cases should be familiar with the Report of the Goudge Inquiry and should bear in mind the recommendations of this Inquiry when assessing the evidence of pathologists and when determining whether or not a realistic prospect of conviction exists. The Report of the Goudge Inquiry is available on the internet (www.goudgeinquiry.ca).