

SUGGESTIONS TO IMPROVE FORENSIC PATHOLOGY IN ONTARIO

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I have three suggestions to improve the forensic pathology in Ontario. These suggestions are based on considerable reflection on the issues since my initial involvement with the Valin case in December 2004. In addition, insights gained as the Chief Forensic Pathologist and as an active teacher and researcher in forensic pathology have contributed to my perspective. My three main overarching suggestions for improvement of forensic pathology in Ontario are along the themes of *direction, training, and research/education*:

1. Create the "Ontario Forensic Pathology Service".
2. Train a domestic workforce of forensic pathologists by developing fellowship programs that are accredited by the Royal College of Physicians and Surgeons of Canada.
3. Support the proposal to establish a "Centre for Forensic Medicine and Science" at the University of Toronto.

SUGGESTION #1: CREATE THE ONTARIO FORENSIC PATHOLOGY SERVICE.

Principle 1: Forensic pathology is a subspecialty of medicine practiced by specialized physicians called forensic pathologists. Forensic pathologists are best able to direct and determine the priorities for forensic pathology service provision.

Principle 2: There must be a concordance between the authority and responsibility of the pathologist in the death investigation system that is commensurate with the level of accountability expected of pathologists.

Principle 3: Pathologists possess the expertise to perform and direct the autopsy, including assessing a determining if any ancillary studies are required. The coroner has the legal authority to request the autopsy. There is no linkage between the two.

Principle 4: Improvement of pediatric forensic pathology cannot be separated from the enhancement, re-development and growth of forensic pathology in general.

Principle 5: The quality of forensic pathology is proportional to budgetary resources provided to fund the service. The forensic pathology service need to have resources that match expectations of the consumers of the service, including the coroner, crown, defense, courts, government agencies, and the next-of-kin.

Recognizing these principles, we should create the Ontario Forensic Pathology Service (OFPS). The OFPS would be a unified service for the provision of medicolegal autopsies in Ontario. The OFPS would be directed and administered by forensic pathologists. The OFPS would be defined as a collaboration of pathologists in Forensic Pathology Units and community hospitals in Ontario who provide medicolegal autopsy services. The Chief Forensic Pathologist, Deputy Chief Forensic Pathologists, an advisory/oversight committee would administer the OFPS. The OFPS would be a branch of the death investigation system, but professionally autonomous. The OFPS would be characterized by five fundamental features:

- (i) Amendment to the Coroners Act. Pathologists in general and the Chief Forensic Pathologist specifically, should be defined in the *Coroners Act*. The Chief Forensic Pathologist would be responsible to direct the medicolegal autopsy and forensic pathology services in Ontario.
- (ii) Administrative hierarchy. The OFPS would have a hierarchical structure of forensic pathologists including Deputy Chief Forensic Pathologists defined in the *Coroners Act*. The hierarchy would be symmetrical to the current structure for coroners.
- (iii) Credentialing of pathologists. The OFPS would credential Ontario pathologists to perform medicolegal autopsies including the development of a registry of pathologists able to perform autopsies on homicides and suspicious cases. The Chief Forensic Pathologist should maintain the registry.
- (iv) Advisory and oversight committees. The OFPS should have a governance model that includes an advisory committee for forensic pathology services and board that would oversee the registry. The governance model would include representatives from other client groups served by the OFPS, including the judiciary. The registry would be defined by a mechanism to: appoint, re-appoint (renew appointments), and de-register pathologists.
- (v) Quality and policy development processes. The OFPS should continue to improve the procedural guidelines, and peer-review mechanisms for pathologists performing autopsies. We also need to develop minimal standards for all medicolegal autopsies in Ontario.

The development of provincial autopsy policy including the definition of minimal standards of medicolegal autopsies should be data-driven. This data should be derived from quantifying quality indicators that define the present system. The data on quality indicators can be used to assist in strategic planning. Strategic planning for the OFPS should include:

- (i) Determining if the current approach to autopsy services meets the need of the death investigation system based on the interests of all consumers/clients/stakeholders.
- (ii) Developing initiatives that include the Ontario Association of Pathologists to establish minimal standards and mechanisms to grow the profession. An example includes the current *Ontario Coroners Autopsy Quality Study (OCAQ study)*.
- (iii) Determining the feasibility of consolidating medicolegal autopsy services. This includes forming local/regional referral networks for autopsies in community hospitals and Northern Ontario.
- (iv) Standardizing operating procedures for autopsies across the province.

We need to acquire and effectively manage new resources for the OFPS. The OFPS would require a budget model that would be a significant departure from the current funding model for

forensic pathology in Ontario, which is based almost entirely on a fee-for-service billing structure. The OFPS would be required to manage the budget and provide only those services that are properly funded.

The OFPS will require significant support to hire forensic pathologists and forensic pathology fellows. The salaries must be commensurate with other pathologists in Ontario.

SUGGESTION #2: TRAIN A DOMESTIC WORKFORCE OF FORENSIC PATHOLOGISTS BY DEVELOPING FELLOWSHIP PROGRAMS THAT ARE ACCREDITED BY THE ROYAL COLLEGE OF PHYSICIANS AND SURGEONS OF CANADA.

Principle 6: Universities, the Royal College of Physicians and Surgeons of Canada have had virtually no presence in forensic pathology, historically. None of the Faculties of Medicine have fostered programs of training and research in forensic pathology. This has severely hampered the development of Canadian forensic pathology and has resulted in domestic workforce of forensic pathologists that is too small to meet the needs of high-quality death investigation.

The only prospect to develop a domestic workforce in forensic pathology in Ontario is training. We cannot rely on recruitment of forensic pathologists from the United States or abroad. On this basis, we need to develop forensic pathology fellowship training programs to allow pathologists to be certified by the Royal College of Physicians and Surgeons of Canada. The Royal College of Physicians and Surgeons of Canada has now developed the subspecialty of forensic pathology. This is landmark event in the history of forensic pathology in Canada.

The Provincial Forensic Pathology Unit will be the first accredited forensic pathology fellowship training program in Canada. Two fellows are already scheduled to begin fellowship training in forensic pathology in 2008. Three additional fellows have requested fellowship training in the Toronto program in 2009. On this basis, the Toronto program alone will graduate five new forensic pathologists by 2010. It is likely that other fellowship training programs will be developed at other Forensic Pathology Units in Ontario and in other provinces.

Additional strategies will need to be developed to recruit forensic pathologists at different stages of the education system, including at the medical school and residency level. In addition, there must be a perpetual funding for fellowship positions from the government.

SUGGESTION #3: SUPPORT THE PROPOSAL TO ESTABLISH A CENTRE FOR FORENSIC MEDICINE AND SCIENCE AT THE UNIVERSITY OF TORONTO

Principle 7: Forensic medicine and science are progressive disciplines and that developments in knowledge may produce legal controversies. It is clear that discovery and knowledge creation in forensic disciplines will be the only definitive and lasting mechanism that can prevent adverse outcomes in the criminal justice system when problematic issues relate to such controversies.

Principle 8: Canadian forensic pathology has been neglected for decades. The national development of forensic pathology has been hampered by the lack of action by Universities and the lack of research initiatives.

Principle 9: We need to foster an evidence-based culture in forensic pathology that creates opportunities to detect and recognize the significance of critical evidence, including evidence that is contradictory to a prevailing investigative theory in a criminal investigation.

See the document titled *Proposal to Establish a Centre for Forensic Medicine and Science at the University of Toronto*.

The proposed *Centre for Forensic Medicine and Science at the University of Toronto* would close three gaps in forensic pathology in Ontario:

- (i) Develop evidence-based educational programs in forensic pathology and forensic medicine that would include the interprofessional education for undergraduate students of law and medicine and continuing professional development educational activities for the medical and legal communities. The Centre would be the 'home' of the forensic pathology fellowship program and could be instrumental to developing similar programs in forensic pediatrics and clinical forensic medicine.
- (ii) Establish a focal point to assemble a 'critical mass' of professionals and scholars to facilitate research into topics of controversy and debate in forensic medicine and science. This would include the development of emerging interdisciplinary teams that could seek research funding from the federal granting agencies such as the Canadian Institutes of Health Research (CIHR), Natural Science and Engineering Research Council (NSERC), and the Social Sciences and Humanities Research Council (SSHRC).
- (iii) Provide an extra-governmental body that can advise policy-makers and non-governmental organizations on forensic issues that have public policy and social justice implications.

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