

Prosecution not the way to deal with parents who accidentally leave children in cars

PATRICK CARLYON, HERALD SUN FEBRUARY 22, 2015 2:31PM

Vic family devastated by baby's car death

CRIME tape cordoned off the unthinkable in a Kyneton street on Thursday. A little boy had died in a car's back seat and no one could say why.

Not the homicide squad detectives. Not the woman slumped and sobbing nearby.

Neighbours trailed off as they spoke of community and support.

Here was a death that couldn't be explained.

[DAD'S PLEA: 'Hug your kids, and never let go'](#)

Ambos throughout the summer have become more and more vocal in their frustration: who can blame them, with something like 200 cases of children in cars in the first five weeks of 2015?

Yet their point of view may not be a starting point for this terrible loss. Details are yet to emerge in this story. From afar, it resembles the story of the WA father who, in 2013, forgot to drop off his 11-month-old son at a childcare centre.

When the father went to collect the boy, he was told the boy had never been dropped off.



Noah Krespanis, who died in a car in Kyneton. Picture: Seven News

It also takes us back to Bella Poole. She, too, died in a car as the outside temperature hovered at or about 30C. It was December 2012, and her mother, Jayde, left her in her harness after taking her son to a Bendigo Hungry Jack's for a treat. The police report clunked with the dead hand of officialdom.

Yet it described a terror and heartbreak that would visit readers in their sleep. Poole made a terrible mistake. At first, she thought her daughter had been kidnapped. When she realised her error, she shrieked and shrieked.

The defining difference between Poole and the Perth father would lie in the official response. Poole was charged with manslaughter. She faced a lengthy jail term.

In court, Poole's greatest defenders — her family — became prosecution witnesses.

An American expert spoke of the failings of the human mind. The primitive brain tended to override, he said. In moments of distraction, ritualised behaviours could eliminate higher functions. Forgetting the baby could be as easy as forgetting the milk.

The prosecution case hinged on points of law and sounded far removed from any sense of justice.



Police at the scene in Kyneton. Picture: Jay Town

Poole's chances of reoffending appeared to be zero. She sniffed and clutched tissues. She had suffered, if not from the hate mail, then with the knowledge she would not forget.

The prosecution called Poole a "good mother" who had "failed". It urged the jury to ignore emotion and sympathy. The jury took less than two hours to dismiss the prosecution's case and return a not-guilty verdict.

In America, it seems, they nearly always find this way involving mistakes of memory. There, prosecutions are more common. In the case of Lyn Balfour, whose son Bryce died after she left him in the car outside her work, the Virginia jury took 20 minutes to deliberate.

With such stories, there will always be those who soften with compassion, perhaps mindful of their own close calls. They will speak of an accident and perhaps compare such horrors with pool drownings or household accidents.

Not long ago, Melbourne psychologist Sally McCormack offered her own example of forgetfulness. She had overlooked her three-year-old daughter asleep in the car one night after everyone else had bowled inside for pyjamas and bed.

When she heard the slam of the car door, McCormack's first thought was a prowler.

Others will harden with contempt when they hear these stories. Who would leave a child? How could they? They will speak of negligence. Yet good people do silly things. On average, a child dies in a car every 18 days in America. In 2009, a *Washington Post* journalist, Gene Weingarten, spoke to many of them. They included a professor and father of an IVF baby, and a businessman who forgot the son he adopted.



Jayde Poole made a terrible mistake.

They were all changed by their error: when Lyn Balfour spoke to the *Herald Sun*, she spoke of a friend's son, two weeks older than Bryce. In her friend's son, she gulped, she always sees the boy who Bryce never grew to be.

We need facts in this latest tragedy. We do not need judgments, especially from politicians who promise tougher penalties, or prosecutors who seek to punish offenders on our behalf.

Stridency sometimes plays as strength in the spotlight. As the Poole case showed, stridency also gets in the way of common sense.

Education, along with a little understanding, may actually save a few lives.

http://www.heraldsun.com.au/news/opinion/prosecution-not-the-way-to-deal-with-parents-who-accidentally-leave-children-in-cars/story-fni0fhcd-1227234283122?from=herald%20sun_rss