

OFFICE OF THE STATE PATHOLOGIST

Annual Report 2019



The Office of the State Pathologist is based in the former Whitehall Garda Station, Griffith Avenue, Whitehall, Dublin 9, D09 RDT8.

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Locum Assistant State Pathologist: Dr Heidi Okkers

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Foreword

**by Acting Chief State Pathologist, Dr
Linda Mulligan**

I am pleased to present the 2019 Annual Report for the Office of the State Pathologist (OSP).

2019 was an eventful year for the Office, bringing changes to staffing at senior level, including the retirement in December of Dr Michael Curtis, who took over as Acting Chief State Pathologist at the end of 2018.

Recruitment to senior positions at the Office remains challenging in the context of a worldwide shortage of forensic pathologists. A second competition for the Chief State Pathologist post and a competition for a State Pathologist post were unsuccessful in 2019. Support for the continued provision of a National Forensic Pathology Service was provided by three consecutive locums and our Acting Deputy State Pathologist, Dr Kathleen Han Suyin. Dr Margot Bolster continued to provide on-call cover on a part-time basis as Assistant State Pathologist. We hope to re-advertise the vacant positions in 2020.

The loss of Dr Curtis, an experienced, dedicated and widely respected forensic pathologist, was a significant one, particularly so close to Professor Cassidy's retirement. His expert guidance and in-depth forensic knowledge will be difficult to replace.

Fortunately, 2019 also brought some positive developments.

Our current locum State Pathologist, Dr Heidi Okkers came on board in November 2019 and will remain as a locum until the posts are filled. Mr Joseph Brady became our permanent Senior Laboratory Analyst in 2019 and was a much welcomed addition to the team, providing stability and leadership in the histology laboratory.

Computer access to the National Integrated Medical Imaging System (NIMIS) was finally established at the OSP which allows

real-time review and discussion of post mortem imaging in relevant cases.

A service level agreement was established with two independent Forensic Anthropologists, putting their interaction with the OSP on a more official footing.

Possibly the most important development of 2019 was the publication of the Royal College of Physicians Review of the OSP, which was launched by the Minister for Justice and Equality in September. This set out 13 recommendations including the need to establish a training scheme and the provision of appropriate facilities. Implementation of the recommendations will create a 21st century National Forensic Pathology Service, in line with international standards. See attached link to the review: (http://www.justice.ie/en/JELR/RCPI_Review_of_the_Office_of_the_State_Pathologist.pdf/File_s/RCPI_Review_of_the_Office_of_the_State_Pathologist.pdf).

The support of the Department of Justice & Equality (DJE), the Royal College of Physicians of Ireland and all of our stakeholders will be vital to this process. With their help, we continue to liaise with the Irish Medical Council in the pursuit of a viable training option.

When I took the reins as Acting Chief State Pathologist in June 2019, I was excited by the challenge. There is an excellent team at the OSP, which will only be consolidated when our full senior staff complement is reached. We have fantastic external stakeholder support as well as the continued support of DJE. I am hopeful that the goals of the RCPI review can be achieved, though it will involve a lot of hard work, dedication and above all patience.

All in all, the OSP is looking forward to 2020 with an optimistic and open mind.

Dr Linda Mulligan
Acting Chief State Pathologist

Introduction

The Office of the State Pathologist (OSP) is a non-statutory agency established on an administrative basis under the aegis of the Department of Justice & Equality. The Office provides a national, year round, forensic pathology service in Ireland. Forensic pathology is the discipline of medicine that deals with the determination of the cause of death for legal purposes. Forensic pathologists are medical doctors who are trained in anatomical pathology, histopathology and the interpretation of injuries at post mortem examination.

The Office provides independent expert advice on matters relating to forensic pathology and performs post mortem examinations in cases where foul play is suspected. These are known colloquially as “State” cases. The forensic pathologists provide a post mortem report to the relevant Coroner in such cases and attend at the inquest and at any court proceedings arising out of a Garda investigation to provide expert opinion. The Office also performs post mortem examinations in non-suspicious deaths for the Dublin District Coroner on a rotational basis.

The Office of the State Pathologist was headed by the State Pathologist, Professor Marie Cassidy until her retirement in the third quarter of 2018. Dr Michael Curtis then became the Acting Chief State Pathologist until June 2019, when Dr Linda Mulligan took the helm. She is assisted by State Pathologist, Dr Kathleen Han Suyin and two Locum Assistant State Pathologists, Dr Heidi Okkers and Dr Margot Bolster who is based in Cork. The positions of Chief State Pathologist and an additional State Pathologist remain unfilled. It is hoped that the Public Appointments Service will run competitions for these positions in 2020.

The forensic pathologists are supported in their work by a small administrative staff and a medical scientist.

Core Work of OSP

The main activity of the Office is the performance of post mortem examinations in cases of sudden, unexplained death where a criminal or suspicious element is present. In approximately 15 – 20% of cases, this also involves a scene visit. The pathologists deal with homicides, as well as a wide range of natural and unnatural deaths, for example road traffic accidents, other accidents and drug-related deaths.

Other Responsibilities

The Office also deals with a significant number of other types of cases. These include skeletonised remains cases, which may require the expertise of a forensic anthropologist; cold case reviews; and referred cases - these are cases that are referred for a further professional opinion and are usually from outside the Irish jurisdiction (e.g. Northern Ireland, UK).

On a case by case basis, and following discussion with the relevant Coroner, the forensic pathologists may deem it necessary for another forensic specialist to be involved in the investigation of a suspicious death. The specialist areas most frequently required are Neuropathology; Paediatric Pathology; Forensic Anthropology; Post mortem Toxicology; Forensic Archaeology; and Forensic Entomology.

Out of Office Commitments

A significant proportion of the pathologists' work involves out-of-office activities, such as attendance at inquests, attendance at the criminal or civil courts and the provision of expert advice to various groups (e.g. National Emergency Framework, National Drug-Related Death Index, Government bodies and Commissions).

Education

Teaching is provided by the OSP to An Garda Síochána and the Military Police. Teaching of medical students at both undergraduate and post-graduate level is also an important part of the service provided by the Office. The OSP is closely affiliated with the Royal College of Surgeons of Ireland (RCSI) and also provide lectures for Trinity College Dublin, University College Dublin, National University of Ireland Galway and National University of Ireland Cork. There is an annual commitment to Strathclyde University, Glasgow to provide research projects for two of their Masters in Forensic Science students. Medical students, forensic science students and qualified doctors often spend time attached to the Office as part of their required electives.

Location

The Office of the State Pathologist is located on Griffith Avenue in Dublin 9. Following a

very successful joint refurbishment project, the Office relocated to this site in July 2016. The site was formerly the Whitehall Garda Station. The OSP is located on the first floor of the building, while the Dublin District Mortuary is on the ground floor. All histological material for the State forensic cases is processed on-site in Whitehall at the histopathology laboratory. Toxicology samples are processed by the State Laboratory in Backweston, Co Kildare.

Governance

During 2019, major structural reform took place in the Department of Justice & Equality with the implementation of a Transformation Programme. The Programme moved the Department from a traditional divisional structure to a streamlined functional model with the core work being aligned under two separate pillars: Criminal Justice and Civil Justice and Equality both supported by a third central pillar comprising the enabling and co-ordination functions of Corporate Affairs, Transparency and European Affairs. This led to reporting changes for the OSP who now, in the main, come under the Criminal Justice pillar.

The OSP produces its own Business Plan and Risk Register each year under the guidance of the Department. An annual Oversight Agreement is signed by the Acting Chief State Pathologist and the Department and, following on from this a more targeted Performance Delivery Agreement is created.

Overview of 2019

Overall Caseload:

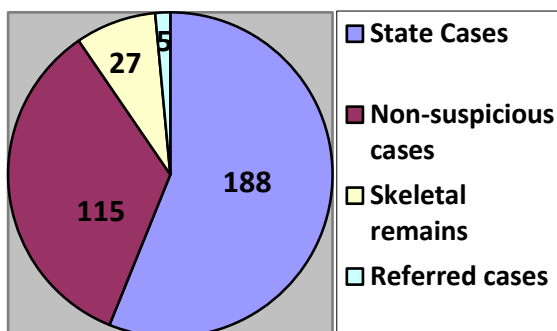
Total Cases:

Forensic casework is the core work of the Office of the State Pathologist. A comprehensive recording system provides a detailed overview of the casework handled by the Office. It also ensures that all of its records are retained and stored according to Health Service Executive guidelines and in line with General Data Protection Regulations.

During 2019, 335 cases were dealt with by the Office (this figure was 286 in 2018 and 261 in 2017). The majority of these were state forensic cases (188) comprising 56% of the total caseload.

Figure 1 below shows the breakdown of the total caseload into the four different case types (State forensic cases, Non-suspicious cases, Skeletal remains and Referred cases).

Figure 1:
Total Cases January - December 2019



State forensic cases may also involve a visit to the scene of death as well as the post mortem examination. Attendance at the scene of death was recorded in 34 of 188 cases (18%) in 2019.

Dublin District Coroner Non-Suspicious Cases:

115 adult non-suspicious post mortem examinations were carried out by the Office under the jurisdiction of the Dublin District Coroner (Dr Myra Cullinane). The majority of non-suspicious post mortem examinations were performed by an acting deputy state pathologist as part of the agreed proleptic training programme, which will be completed in March 2020.

Skeletonised Specimens:

There were 27 cases of skeletonised remains, 13 of which were documented as animal bones. A forensic anthropologist was involved in all cases where the remains were found to be human. One case was found to be forensically relevant while all others were ancient remains.

Referred Cases:

5 cases were referred to the Office for expert opinion. The amount of material to be reviewed in these cases often required a significant input from the individual pathologist. This includes liaising with the referring Gardaí, solicitors or Coroners, sometimes from outside the Irish jurisdiction, reviewing all relevant records and compiling a report. These cases may also involve a court appearance. On average, each case requires approximately 10 hours work, although some cases may require almost double that amount of time.

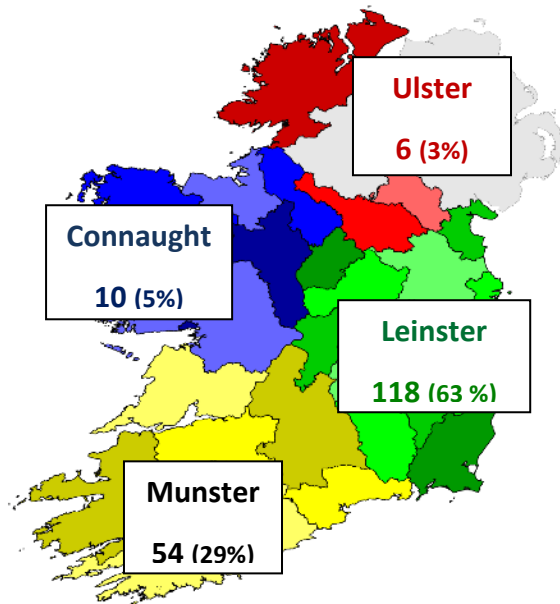
National Service - Geographical Spread of Cases:

The Office provides a national forensic pathology service in Ireland and as a result the case spread encompasses a wide geographic area. Figure 2 shows the

distribution of State cases throughout the country in 2019.

The figures below reflect the location where the post mortem examination occurred.

**Figure 2:
Distribution of State Cases in Ireland
2019**



92 of the State cases were performed in Dublin. Eight cases performed in the Dublin District Mortuary had been referred from Coroners where the post mortem examinations would have been performed in Waterford University Hospital which was undergoing renovations and improvements during 2019.

A further 27 cases were carried out within an 80km radius of the capital (Drogheda, Tullamore, Naas, Navan and Portlaoise).

All Year Round Service:

The Office provides an on-call service 7 days per week, 365 days a year. There is always a forensic pathologist on duty. The on-call rota is provided to An Garda

Síochána and to all Coroners on a continual basis.

On 24 days in 2019, two or more post mortem examinations were carried out. In total, 51 of the 188 State cases (27%) occurred on the same day as another case. On 7 of the 24 days, two cases were performed in the same mortuary. On 15 of the 24 days the post mortem examinations occurred in two different mortuaries. This usually required the involvement of two separate pathologists in different parts of the country, with one attending outside their on-call rota. On 3 of the 24 days, there were three cases.

It is the established practice in Ireland that forensic post-mortem examinations are conducted in the respective coronial area where the death has occurred. The OSP does not have its own dedicated mortuary for centralisation of post-mortem examinations and any changes to the current arrangement would require extensive consultation. When a forensic pathologist from the OSP is directed to perform a formal forensic post-mortem examination, the examination will usually take place in the Regional General Hospital used by coroners in the involved jurisdictions.

Of the four pathologists in the OSP, three are based in Dublin and one is based in Cork. In 2019, 132 of the 188 cases involved travel to a mortuary outside of the pathologist's locality. In total, 417.5 hours were spent solely travelling to the various mortuaries, equating to more than 50 working days or approximately 10 working weeks.

Out of office commitments such as attendance at Inquests and the Criminal Courts of Justice to provide expert advice on causes of death amounted to approximately 16 working days for the pathologists during 2019.

As part of their teaching role, the pathologists also spent approximately 65 hours lecturing in academic institutions as well as to An Garda Síochána and the Military Police. In addition, the OSP

facilitates electives for undergraduate and post graduate medical students. The students attend the OSP for a number of weeks and shadow the forensic pathologists as well as completing a project. In 2019, this equated to a further 60 hours approximately.

Financial Information

The Office of the State Pathologist is funded under the Department of Justice & Equality's Vote (Vote 24), for which the Department's Secretary General is the Accounting Officer. The Accounting Officer is responsible for the safeguarding of public funds and property under the Department's control. External scrutiny is provided through the submission and analysis of the Appropriation Accounts to the Comptroller and Auditor General and ultimately to the Oireachtas through the Public Accounts Committee.

In 2019, the Office received a total budget allocation of €975,000 and its total expenditure was €1,130,501. The expenditure is broken down between pay and non-pay costs in Figure 4 below.

*See also explanation for overspend in 2019.

**Figure 3:
Breakdown of Expenditure in 2019**

	2019 Budget Allocation	2019 Actual Outturn
Pay	€766,000	€777,640
Non-Pay	€209,000	€352,861
Total	€975,000	€1,130,501

*The overrun on pay was as a result of additional staff – a permanent senior laboratory analyst and an Acting Deputy State Pathologist who were on the payroll during 2019.

The Non-Pay overrun was due to expenditure on locum pathologists, required due to the retirement of Professor Marie Cassidy in December 2018 and Dr Michael

Curtis, who came off the on-call rota in June 2019 and retired in December 2019. Challenges in the recruitment market have meant that it has been necessary to engage locum forensic pathologists to cover these vacancies. Expenditure on locum pathologists is not treated as a payroll cost and therefore appears as a non-pay cost.

Protected Disclosures

In accordance with section 21 (1) of the Protected Disclosures Act, 2014, the Office of the State Pathologist adopted the Department's Protected Disclosures policy and has communicated it to all the staff. In line with the reporting requirements, it is confirmed that there were no protected disclosures reports received in 2019.

Public Sector Equality and Human Rights Duty

Section 42 of the Irish Human Rights and Equality Commission Act, 2014 establishes a positive duty on public bodies to have regard to the need to eliminate discrimination, promote equality and protect the human rights of staff and persons to whom services are provided. The Office is cognisant of human rights and equality issues, medical ethics and the dignity of the deceased. Policies and practices are in place in respect of organ retention and the dignified disposal of retained organs.

Environmental and Energy Awareness

The Office will fulfil its statutory obligations in relation to environmental and energy issues. An energy manager will participate in the Department of Justice's Energy Performance Officers Forum and will assist in reporting energy usage. The Office will

strive to achieve the statutory target of a 33% reduction in energy usage by 31 December 2020 in accordance with S.I. 426 of 2014 (European Union (Energy Efficiency) Regulations).

The OSP's obligation to report annually to the Sustainable Energy Authority of Ireland (SEAI) on energy consumption is met by the Department of Justice and Equality, who report on our behalf.

During 2019, certain initiatives were implemented in the Office. Environmental issues are a standing item at all office meetings. All non-reusable plastic cups and single use plastics have been eliminated from the Office as much as possible. A brown food waste bin was secured from our waste management company, ensuring less rubbish going to landfill and a conscious effort was made to restrict the use of plastic bags by reducing the number of bins in each office. Every effort is made to recycle where possible.

Governance and Internal Controls

The Office of the State Pathologist is independent in its functions and reports to the Department of Justice & Equality in terms of governance.

Annual Oversight and Performance Delivery Agreements are in place between the Office of the State Pathologist and the Department of Justice & Equality. Copies are available on www.justice.ie. The Acting Chief State Pathologist provides a Compliance Statement in respect of the work of the Office to the Minister for Justice and Equality

in accordance with the 2016 Code of Practice for the Governance of State Bodies.

Regarding compliance with the 2016 Code of Practice for the Governance of State Bodies, the "Comply or Explain" provision of the Code has been applied to the Office of the State Pathologist. As the Office is a small non-statutory body that falls under the Justice Vote (Vote 24), it does not have its own Internal Audit Unit or Audit & Risk Committee and it is not required to produce Financial Statements.

Arrangements have been put in place to provide the Office with access to the Department's Internal Audit and Audit & Risk Committee in relation to financial governance. The Office is also supported by the Department's Financial Management Unit who report on the Office's income and spending in their monthly management reports. The monthly reports are kept under review by the OSP and procedures are in place to ensure that expenditure is authorised in accordance with the Department's guidelines. The Office is in compliance with tax law obligations.

The Office has a risk management system in place, including a risk register and reports key risks and management actions being taken to address and, to the extent possible, to mitigate these risks.

The Office ensures that there is an appropriate focus on good practice in purchasing and that procedures are in place to ensure compliance with all relevant guidelines and procurement policy. Procurement undertaken by the Office is carried out in consultation with the Department's Procurement Unit.

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