

OFFICE OF THE STATE PATHOLOGIST

Annual Report 2022



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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Foreword

By Professor Linda Mulligan

Chief State Pathologist

I am pleased to present the 2022 Annual Report for the Office of the State Pathologist (OSP).

My second official year as the Chief State Pathologist saw further development of the OSP in terms of staffing. Dr. Heidi Okkers and Dr. SallyAnne Collis are now firmly established as State Pathologists. In January 2022, we welcomed Dr. Yvonne McCartney on board as a Deputy State Pathologist. She completed her Diploma in Forensic Medical Sciences in May 2022. She continues to work towards completing her training. Dr. Jill Roman, a consultant forensic pathologist from South Africa, joined the team in December 2022 and will spend the next year adapting her experience and knowledge to the Irish death investigation system. Dr. Bolster remains a pillar of support to us as the part-time Assistant State Pathologist completing an all-female team of consultants at the OSP.

Our office and laboratory staff were invaluable as ever, especially as our case numbers increased in 2022. Their dedication, organisation and diligence in providing a high standard of administration support to the forensic pathologists ensures a resilient and sustainable national forensic pathology service.

In July 2022, I was appointed as a clinical professor at the UCD School of Medicine. As this is my alma mater, it was a huge honour to be so recognised. There is now a formal arrangement in place for an annual elective UCD medical student attachment and our affiliation paves the way for more potential academic opportunities in forensic pathology. In addition, we introduced a

formal application process for all interested elective students in 2021/2022. This was very successful and resulted in several informative and valuable projects, one of which is awaiting ethical approval for publication.

The OSP will be introducing a new coding system for autopsy reporting aligned with that of the National Quality Improvement Programme (NQIP) in Histopathology in 2023. As part of this Dr. Collis has been appointed chair of the Autopsy Quality Improvement Committee. They are tasked with improving the quality of autopsy practice and in particular reporting in Ireland for the coroners, the families of the deceased and the public at in general.

In addition, as a Faculty of Pathology board attendee, I was nominated by them to chair a review group charged with updating the HSE Standards and Recommended Practices for Post Mortem Examination Services 2012. An experienced project group from the National Quality and Patient Safety Directorate provided key support. The review group itself involved many experts from all areas of the autopsy service, including vital input from patient representative groups. Following focused and targeted consultation, the new HSE National Clinical Guidelines for Post Mortem Examination Services will be published in 2023.

There is ongoing engagement with all stakeholders around building a sustainable and high quality autopsy service in Ireland. As part of this, the OSP continues to engage with the Department of Justice, Faculty of Pathology and all relevant parties to progress the recognition of forensic pathology as a medical specialty in Ireland.

Linda Mulligan

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. 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 examination (PMEs) in criminal, suspicious or unusual deaths. These are known colloquially as “State” cases. The forensic pathologists provide a post mortem report to the relevant Coroner in such cases. They attend at the inquest and at any court proceedings arising out of a Garda investigation. The Office also performs PMEs in non-suspicious deaths for the Dublin District Coroner on a rotational basis, when the forensic workload allows it.

The Office of the State Pathologist is headed by the Chief State Pathologist Prof. Linda Mulligan, She is assisted by two State Pathologists, Dr Heidi Okkers and Dr SallyAnne Collis and two Deputy State Pathologists, Dr Yvonne McCartney and Dr Jill Roman who were appointed in January 2022 and December 2022 respectively. Dr Margot Bolster based in Cork continues to assist as a locum Assistant State Pathologist.

The forensic pathologists are supported in their work by five administrative staff and a senior laboratory analyst (medical scientist).

Core Work of OSP

The main activity of the Office is the performance of PMEs in cases of sudden, unexplained death where a criminal or suspicious element is present. In approximately 12% of cases in 2022, this

also involved a scene visit. The pathologists deal with homicides, as well as a wide range of natural and unnatural deaths, for example road traffic collisions, accidents and drug-related deaths.

Other Responsibilities

The Office also deals with a significant number of other types of cases. These include skeletonised remains, 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 either from An Garda Síochána, coroners or 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/Perinatal 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 and attendance at the criminal or civil courts. These returned to

normal levels in 2022 because of public health restrictions being lifted. The OSP is also involved in the provision of expert advice to various groups (e.g. National Emergency Framework, National Drug-Related Death Index, Government bodies and Commissions).

Education

Pathologists at the OSP provide teaching to An Garda Síochána and the Military Police as part of their death investigation training. Teaching of medical students at both undergraduate and post-graduate level is an important part of their service. Prof. Linda Mulligan was appointed as a clinical professor in the UCD School of Medicine in 2022. The OSP is also closely affiliated with the Royal College of Surgeons of Ireland (RCSI) and 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 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, including associated neurohistology for the State forensic cases is processed on-site in Whitehall at the histopathology laboratory. The State Laboratory in Backweston, Co Kildare processes toxicology samples. Post mortem radiology in Dublin is provided through an agreement between the Dublin District Coroner and the Mater Misericordiae University Hospital.

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. The Chief State Pathologist and the Department sign an Oversight Agreement, every two to three years and, following on from this a more targeted annual Performance Delivery Agreement is created.

Overview of 2022

Overall Caseload: 417

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.

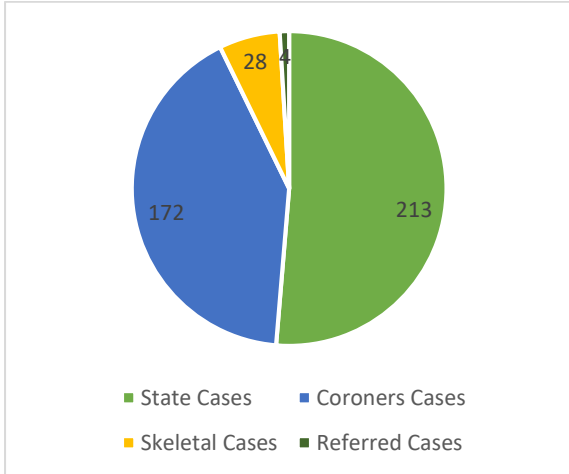
During 2022, 417 cases were dealt with by the Office (this figure was 327 in 2021, 345 in 2020, 335 in 2019 and 286 in 2018). The majority of these were state forensic cases (213) comprising 51% of the total caseload.

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 2022



State forensic cases may, following discussion with the crime scene examiners, investigating Gardaí and coroner, involve a visit to the scene of death. Attendance at the scene of death was recorded in 26 of 213 cases (12%) in 2022.

Dublin District Coroner Non-Suspicious Cases:

The Office, at the direction of the Dublin District Coroner, carried out 172 adult non-suspicious post mortem examinations. A large number of these were carried out by the Deputy State Pathologist as part of their training.

Skeletonised Specimens:

There were 28 cases of skeletonised remains, 16 of which were documented as animal bones, 11 as human bones and 1 that was determined to be wood. This represented a 35% decrease in 2022, (there were 43 in 2021, 11 in 2020 and 27 in 2019). A Forensic Anthropologist was involved in all 11 cases where the remains were found to be human and five of the cases where the bones were animal. In eight of the 11 human remains cases, the remains were ancient and were referred to the National Museum

of Ireland, Of the remaining 3 human bones, one was identified as modern, one is awaiting carbon dating and the third is awaiting DNA analysis. Forensically relevant skeletonised remains (those deemed less than 70 years old) are treated as State forensic cases.

Referred Cases:

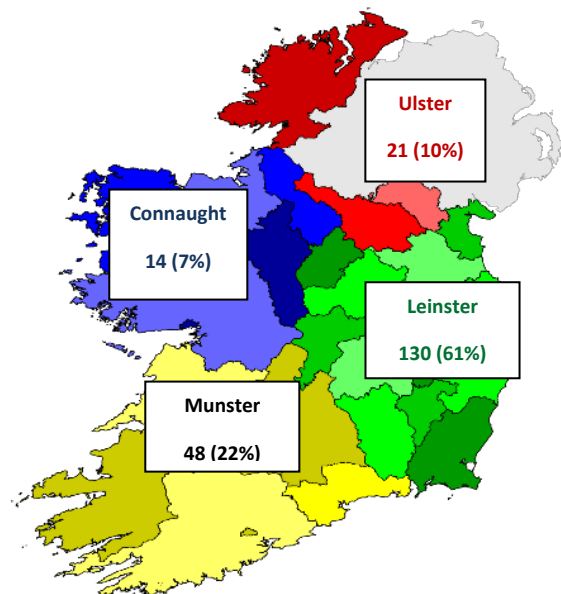
Four cases were referred to the Office for expert opinion. The amount of material to be reviewed in these cases often required a significant input from the individual pathologist. This includes liaising with the referring Gardaí, solicitors or coroners, sometimes from outside the Irish jurisdiction, 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 the case spread encompasses a wide geographic area. Figure 2 shows the distribution of State cases throughout the country in 2022.

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

Figure 2:
Distribution of State Cases in Ireland 2022



93 of the State cases were performed in Dublin. 88 of these cases were performed in Dublin District Mortuary and five in Our Lady's Hospital for Sick Children, Crumlin. Seven cases performed in the Dublin District Mortuary were referred from Coroners outside the Dublin District.

A further 41 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 19 days in 2022 two PME's were performed on the same day. On four of these 19 days, one pathologist performed two PME's in the same mortuary. On 11 of the 19 days, two pathologists performed PME's in different mortuaries on the same day. On four of the 19 days, the same pathologist travelled to two mortuaries in the one day to perform PME's.

Outside of these 19 days, six PME's were performed in one day by three pathologists. On another day, four PME's were performed and there were four days where three PME's were performed on the same day.

In total 60 of the 213 State cases (28%) occurred on the same day as another case.

As the OSP does not have its own mortuary facility to allow for centralisation of the forensic service, it is the current practice in Ireland that the pathologists must travel to various HSE run mortuaries around the

country to perform State forensic cases. The mortuary is usually located in or near the coronial jurisdiction where the death occurred. Five of the pathologists are based in Dublin and one is based in Cork. In 2022, 127 of the 213 cases involved travel to a mortuary outside of the pathologist's locality. In total, approx. 564 hours were spent solely on traveling to cases. This equates to 80 working days or approximately 16 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 15 working days for the pathologists during 2022. While giving evidence remotely is possible in some courtrooms, it is not always an option, particularly in smaller courts and some peripheral coronial jurisdictions.

As part of their teaching role, the pathologists also spent approximately 43½ hours (8½ days) lecturing in academic institutions as well as to An Garda Síochána and the Military Police. In addition, the OSP facilitates electives for undergraduate and postgraduate medical students. The students attend the OSP for a number of weeks and shadow the forensic pathologists as well as completing a project. In 2022, this equated to a further 255 hours (7 weeks) approximately of input from a consultant forensic pathologist.

Financial Information

The Office of the State Pathologist is funded under the Department of Justice'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 2022, the Office received a total budget allocation of €1,127,000 and its total expenditure was €1,393,723.53. The expenditure is broken down between pay and non-pay costs in Figure 4 below.

*See also explanation for overspend in 2022.

**Figure 4:
Breakdown of Expenditure in 2022**

	2022 Budget Allocation	2022 Actual Outturn
Pay	€888,000	€1,214,210.39
Non-Pay	€239,000	€179,513.14
Total	€1,127,000	€1,393,723.53

The Pay overrun was due to expenditure on salaries for two full-time State Pathologists (since July 2021) and the Deputy State Pathologist who joined in January 2022. The locum pathologist is not on the payroll and therefore appears as non-pay costs. The reduced reliance on assistance from the locum resulted in a decrease in non-pay expenditure in 2022.

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 2022.

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.

Environmental and Energy Awareness

The Office will fulfil its statutory obligations in relation to environmental and energy issues. The OSP participates in the Department of Justice's Energy Performance Officers Forum and will assist in reporting energy usage. The increased staff at the OSP and the fact that staff started to return to the office after the pandemic restrictions led to a slight increase in energy consumption.

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, who report on the Office's behalf.

Environmental issues are a standing item at all office meetings. Compostable cups are used at drinking fountains and waste segregation is in operation. A brown food waste bin was secured in 2019 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 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. Copies are available on www.gov.ie. The Chief State Pathologist provides a Compliance Statement in respect of the work of the Office to the Minister for Justice 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 Department’s Financial Management Unit who report on the Office’s

income and spending in their monthly management reports also supports the Office. 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 complies 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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