

# OFFICE OF THE STATE PATHOLOGIST

*Annual Report 2023*



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## Foreword

**By Professor Linda Mulligan**

### **Chief State Pathologist**

I am pleased to present the 2023 Annual Report for the Office of the State Pathologist (OSP).

This was my third year as the Chief State Pathologist. Dr. Heidi Okkers and Dr. SallyAnne Collis developed their roles in management and teaching in the office. Dr. Yvonne McCartney continued on the last year of her training as Deputy State Pathologist. Unfortunately, Dr. Jill Roman, a consultant forensic pathologist from South Africa, who joined the team in December 2022, resigned her post in November 2023 and returned to her native country. We wish her all the best in her future career. Dr. Bolster continues to provide her invaluable expertise to the OSP as Assistant State Pathologist.

Our office and laboratory staff, in their usual efficient manner, continued to provide outstanding support to the forensic pathologists as our case numbers remained high in 2023. Their dedication and innovation, continual self-improvement and willingness to move forward, allows us to always meet the high standards now expected of the national forensic pathology service.

My role as a clinical professor at the UCD School of Medicine provided us with an opportunity to become involved in post-doctoral research in 2023. With Dr. Cliona McGovern of UCD as the academic supervisor, we were approved as the enterprise partner for the Irish Research Council's Enterprise Partnership Project. The candidate, Dr Niamh McCullagh took up this post in September 2023 to develop a search paradigm for missing persons presumed to be homicide victims.

The formal application process for all interested elective students introduced in previous years has continued to be very successful. In December 2023, we published "Breaking point? An analysis of fatal stab wounds to the torso in Ireland between 2011 and 2018, examining the extent of rib fractures" written by Eimear Bourke a previous elective student. This was in the Journal of Forensic Science.

The OSP continues to work closely with the National Quality Improvement Programme (NQIP) in Histopathology - Dr. Collis remains chair of the associated Autopsy Quality Improvement Committee. As a result, we have implemented a quality improvement team within the OSP.

The HSE National Clinical Guidelines for Post Mortem Examination Services was published in 2023 and has been well received nationally. Following on from this, as a board member of the Faculty of Pathology RCPI, I have been invited to sit on the advisory group for the HSE's mortuary improvement programme. The OSP has also had a large input into the development of the post mortem section of the Human Tissue Act 2024. We continue to work with the HSE, Faculty of Pathology and the Department of Justice around support and reform of the coronial autopsy service.

Our ongoing mission is to ensure a high standard of practice in forensic pathology is maintained, while engaging with our stakeholders to build on the national coronial autopsy service. We continue to drive towards recognition of forensic pathology as a medical specialty.

*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 examinations (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. Unfortunately, Dr. Roman resigned from her post in November 2023, leaving a vacant post at the OSP. 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 to undertake PMEs in cases of sudden, unexplained death where a criminal or

suspicious element is present. In approximately 4% of cases in 2023, 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 to the office 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 on occasion, Forensic Entomology.

## Out of Office Commitments

A significant proportion of the pathologists' work involves out-of-office activities, such as



attendance at inquests and the criminal or civil courts. The OSP is also involved in the provision of expert advice to various groups (e.g. Standing Committee for Coroners PMEs, Faculty of Pathology RCPI, 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 a research project for a Masters in Forensic Science student. 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 in the OSP's 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. Outside of Dublin, access to radiology is

dependent on available and agreeable radiology staff, but in general can be provided.

## 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 2023

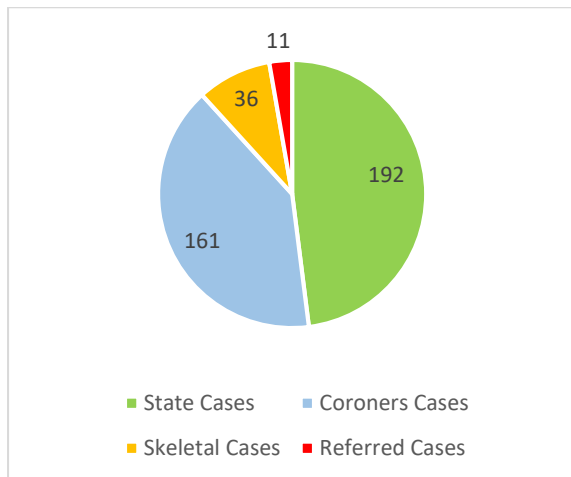
### Overall Caseload: 400

Forensic casework is the core workload 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 2023, 400 cases were dealt with by the Office (this figure was 417 in 2022, 327 in 2021, 345 in 2020 and 335 in 2019). The state forensic cases comprised 48% 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 2023**



State forensic cases may, following discussion with the crime scene examiners, investigating gardaí and coroner, involve a visit to the scene of death. This is decreasing due to advanced technologies used by crime scene investigators and occurred in only 4% of state cases in 2023.

### **Dublin District Coroner Non-Suspicious Cases:**

The OSP, at the direction of the Dublin District Coroner, carried out 161 adult non-suspicious PME's. A large number of these were carried out by the two Deputy State Pathologists as part of their training.

### **Skeletonised Specimens:**

Of the 36 cases of skeletonised remains, 17 were identified as animal bones and 19 were identified as human bones.

There were 17 cases documented as animal bones, in two of these cases the pathologist decided that an anthropologist's opinion was unnecessary to assist with the identification.

In the remaining 15 cases, the pathologist decided they were animal bones, but asked

for an anthropologist's opinion. The review forms were completed and the results were communicated either by email (attached to file), a telephone call or a copy of the form was given to the gardaí.

There were 19 cases documented as consisting of human bones. A forensic anthropologist was involved in 17 cases. 11 of these 17 cases were classified as ancient/historic and were referred to the National Museum of Ireland. 6 cases were classified as modern (of possible forensic significance). 2 cases are pending further investigations.

### **Referred Cases:**

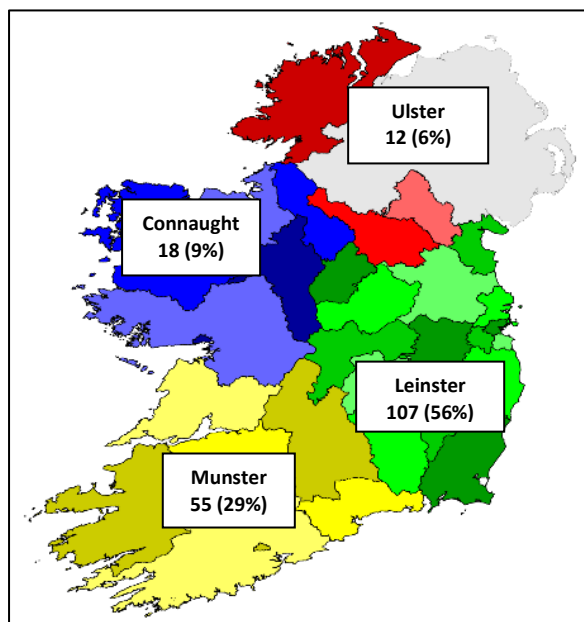
Eleven cases were referred to the Office for expert opinion. The amount of material to be reviewed in these cases often required a significant input from the individual pathologist. Review of these cases often includes liaising with the referring gardaí, solicitors or coroners, sometimes from outside 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. This amounted to approximately 110 hours in 2023.

### **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 2023.

The figures below reflect the location where the PME's occurred.

**Figure 2:**  
**Distribution of State Cases in Ireland**  
**2023**



78 of the state cases were performed in Dublin (70 in DDM, three in Children's Health Ireland (CHI), Crumlin, two in the Rotunda and one in each of CHI Temple Street, CHI Connolly, and CHI Tallaght). Of the 78 state cases, two were transferred to Dublin following referral of the case by a coroner outside of Dublin.

A further 21 state cases were performed 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 21 days, there were two PME's performed on the same day. On 14 of these days, the PME's were carried out in different mortuaries. One pathologist travelled to two different mortuaries across the country on the same day on 3 occasions to perform the

PME's. On three days, three PME's were performed on the same day. On one of these days, one pathologist performed the PME's on all three.

In total, 49 of the 192 cases (26%) 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 logistics of organising this are becoming increasingly challenging as the HSE mortuaries are also dealing with increased workloads, staff shortages and resource issues.

The mortuary for the PME is usually located in or near the coronial jurisdiction where the death occurred. Five pathologists were based in Dublin and one was based in Cork. In 2023, 114 of the 192 cases involved travel to a mortuary outside of the pathologist's locality. In total, approx. 550 hours were spent solely on traveling to cases. This equates to 73 (7.5 hour) working days or approximately 14 ½ 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 18 working days for the pathologists during 2023. While giving evidence remotely is possible in some courtrooms, it is not always an option, particularly in smaller courts and some peripheral coronial jurisdictions. In person attendance is often requested by senior counsel for evidence provision at a criminal court.

As part of their teaching role, the pathologists also spent approximately 73 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 postgraduate medical students and masters in forensic science students. The students attend the OSP for a number of weeks and shadow the forensic pathologists as well as completing a project. In 2023, this equated

to a further 230 hours approximately of supervision and guidance from a consultant forensic pathologist.

## Stakeholder Engagement

Working with external stakeholders ensures good communication and working relationships. Prof. Mulligan continues to be a board member of the Faculty of Pathology and a member of the Histopathology Standing Committee at the Royal College of Pathologists. She also sits on the Standing Committee for Coronial PMEs, the Advisory Group to the HSE for the Mortuary Improvement Programme and advises the Forum for Stakeholders group relating to Missing Persons. Dr. Okkers and Prof. Mulligan are involved in planning for mass fatality events. Dr. Okkers co-ordinates teaching and guest lectures as well as examinations in RCSI. Dr. Collis continues as chair of the Autopsy Quality Improvement Committee, for the National Histopathology Quality Improvement Programme and co-ordinates our research electives. Dr. McCartney provides support for all of these activities.

## 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 2023, the Office received a total budget allocation of €1,553,000 and its total expenditure was €1,688,779. The expenditure is broken down between pay and non-pay costs in Figure 4 below.

The Pay overrun was due to expenditure on the salary for the second Deputy State Pathologist (who joined in December 2022). The locum pathologist is not on the payroll and therefore appears as non-pay costs.

**Figure 4:**  
**Breakdown of Expenditure in 2023**

	<b>2023 Budget Allocation</b>	<b>2023 Actual Outturn</b>
<b>Pay</b>	€1,314,000	€1,444,534
<b>Non-Pay</b>	€239,000	€244,245
<b>Net Total</b>	€1,553,000	€1,688,779

## 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 2023.

## 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 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 our behalf.

Environmental issues are a standing item at all office meetings. Compostable cups are used at drinking fountains and waste segregation is in operation. 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.justice.ie](http://www.justice.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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**An Roinn Dlí agus Cirt**  
Department of Justice