

OFFICE OF THE STATE PATHOLOGIST

Annual Report 2020



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 Chief State Pathologist, Dr Linda Mulligan

I am pleased to present the 2020 Annual Report for the Office of the State Pathologist (OSP)

Firstly, I want to express our thanks and best wishes to two members of the office team who retired in 2020. Anne Walsh (clerical officer) retired in March after 8 years at the OSP. Noreen Byrne (executive officer) retired in November, after 4 ½ years at the OSP. Their support and input are very much missed. However, we were lucky enough to welcome two new members. Christine Rogers (executive officer) and Lorna O'Loughlin (clerical officer) took up their positions during an unusual year, but we are very glad to have them both on board.

The SARS-CoV-2 (Covid-19) pandemic played a prominent role in all of our lives and our day-to-day work in 2020. Its emergence reinforced the usefulness of autopsy as a tool for progressing medical knowledge. The unique position of the OSP as liaison between the Coroners, An Garda Síochána, the Faculty of Pathology (Royal College of Physicians Ireland, RCPI) and mortuaries around the country meant that it played a pivotal role in the development of guidelines and autopsy practice at a national level.

However, this also meant an increase in managerial and advisory role commitments. Combined with responsibilities arising from these meetings, this placed an already understaffed department (because of recruitment issues and a worldwide shortage of forensic pathologists) under some strain. Our usual workload did not decrease, and we had to be dynamic and flexible in order to maintain the service.

Secure remote access to files and databases was established for all staff. There were two full time consultant forensic

pathologists based at the OSP. Two locum pathologists, a full-time locum in Dublin and a part-time locum in Cork, supported them. All pathologists were encouraged to work remotely when possible. The office staff worked on-site in rotating teams of two. Our scientist was required to attend the premises daily but was able to adhere to the public health guidelines.

Pathologist attendance at court cases and inquests diminished because of the public health restrictions. When these return to normal, there may be increased demands on pathologists' time and ability to carry out post mortem examinations because of their requirement to attend courts and inquests. However, this will only be short term and should have minimal impact because of the successful competitions for pathology staff that were held in Q4 of 2020. By July 2021, we will have a Chief State Pathologist with two full time State Pathologists based in Dublin. Our part-time locum pathologist based in Cork will continue to support the service and there are plans to take on a qualified consultant histopathologist to follow an on-the-job training programme established in 2014.

The eventual return to normal work processes will be most welcome at the OSP, enabling integration of new staff members. Case review meetings will be expanded again to include all relevant forensic specialists. It will allow us to reinstate our student elective attachments and progress research opportunities. The OSP will once again focus on the promotion of Forensic Pathology as a medical specialty in Ireland.

Overall, we are looking forward to a progressive and more "normal" 2021.

Dr 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 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 post mortem examinations in non-suspicious deaths for the Dublin District Coroner on a rotational basis, when the forensic workload allows it.

During 2020, the then Acting Chief State Pathologist Dr Linda Mulligan headed the Office of the State Pathologist. State Pathologist, Dr Kathleen Han Suyin and two Locum Assistant State Pathologists, Dr Heidi Okkers and Dr Margot Bolster, based in Cork, assisted her. Competitions were held in Q4 of 2020 for the positions of Chief State Pathologist and State Pathologist. The successful candidates will take up their posts in 2021.

The forensic pathologists are supported in their work by four 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% of cases in

2020, 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 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 and attendance at the criminal or civil courts. These decreased in 2020 because of public health restrictions. 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). These commitments increased in 2020.

Education

Pathologists at the OSP provide teaching 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 their service. The OSP is 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. Unfortunately, both the Strathclyde University and medical student attachments were severely limited in 2020 because of public health restrictions.

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 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 2020

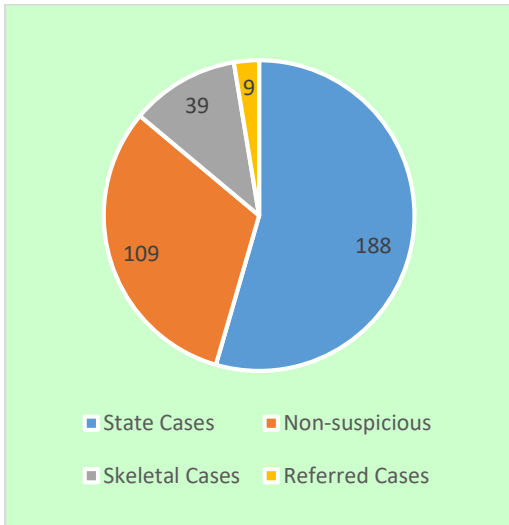
Overall Caseload: 345

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 2020, 345 cases were dealt with by the Office (this figure was 335 in 2019, 286 in 2018 and 261 in 2017). The majority of these were state forensic cases (188) comprising 54% 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 2020



State forensic cases may also, 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 29 of 188 cases (15%) in 2020.

Dublin District Coroner Non-Suspicious Cases:

The Office, at the direction of the Dublin District Coroner, carried out 109 adult non-suspicious post mortem examinations.

Skeletonised Specimens:

There were 39 cases of skeletonised remains, 28 of which were documented as animal bones and 11 as human bones. This increase (there were 27 in 2019) was most likely due to increased public outdoor activity, and in part to new service level agreements with independent forensic anthropologists. A Forensic Anthropologist was involved in all cases where the remains were found to be human and 17 of the cases where the bones were animal. Forensically relevant skeletonised remains (those deemed less than 70 years old) are treated as State cases.

Referred Cases:

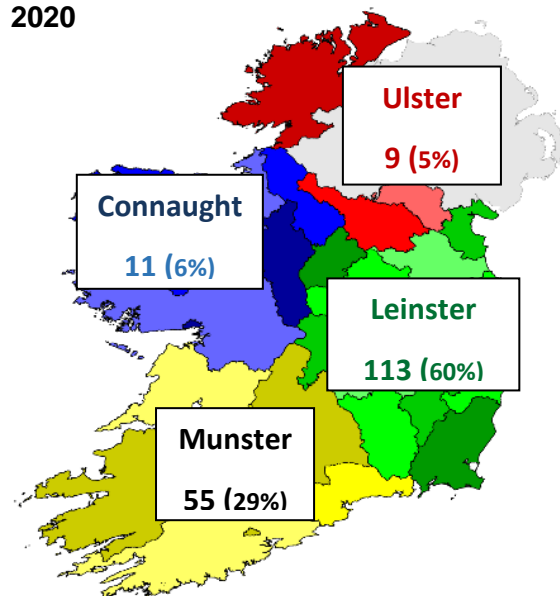
Nine cases were referred to the Office for expert opinion. The amount of material to be reviewed in these cases often required a significant input from the individual pathologist. This includes liaising with the referring Gardaí, solicitors or coroners, sometimes from outside the Irish jurisdiction, 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 2020.

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

Figure 2:
Distribution of State Cases in Ireland 2020



109 of the State cases were performed in Dublin. 105 of these cases were performed in Dublin District Mortuary. 13 cases

performed in the Dublin District Mortuary had been referred from Coroners outside the Dublin District.

A further 14 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 20 days in 2020, two or more post mortem examinations were carried out. In total, 45 of the 188 State cases (24%) occurred on the same day as another case. On 10 of the 20 days, two or three cases were performed in the same mortuary. On 11 of the 20 days, the post mortem examinations occurred in two different mortuaries. This usually entailed the involvement of two or sometimes three separate pathologists in different parts of the country, two of whom were not officially on call. On four of the 20 days, there were three cases.

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. Three of the pathologists are based in Dublin and one is based in Cork. In 2020, 107 of the 188 cases involved travel to a mortuary outside of the pathologist's locality. In total, 529 hours were spent travelling to the various mortuaries. This equates to more than 66 working days or approximately 13 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

11½ working days for the pathologists during 2020.

As part of their teaching role, the pathologists also spent approximately 45½ 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. The students attend the OSP for a number of weeks and shadow the forensic pathologists as well as completing a project. In 2020, this equated to a further 110 hours approximately.

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 2020, the Office received a total budget allocation of €983,000 and its total expenditure was €1,018,032.42. The expenditure is broken down between pay and non-pay costs in Figure 4 below.

*See also explanation for overspend in 2020.

**Figure 3:
Breakdown of Expenditure in 2020**

| | 2020 Budget Allocation | 2020 Actual Outturn |
|----------------|------------------------|---------------------|
| Pay | €774,000 | €645,284.77 |
| Non-Pay | €209,000 | €372,747.65 |
| | | |
| Total | €983,000 | €1,018,032.42 |

The Non-Pay overrun was due to expenditure on locum pathologists. It was

necessary to continue to engage the locum forensic pathologists to cover existing vacancies. The locum pathologists were not on the payroll and therefore appear as non-pay costs.

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 2020.

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 saving in energy consumption for the Office in 2020 over 2019 was 0.65%. Although a small reduction, the department and bodies will together have achieved the statutory target of a 33% reduction in energy usage by 31

December 2021 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, who report on our behalf.

Environmental issues are a standing item at all office meetings. Reusable 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.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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