

## **A MATTER OF CONCERN**

### **‘Lord Advocate undermines the Science of Fingerprinting.’**

(Lord Advocate’s statement in full: <http://shirleymckie.com/documents/LAstatement17.2.06.pdf> )

In his statement the Lord Advocate comments:

***“Since the time the issue arose in the trial of Shirley McKie, there have always been, and there remain, conflicting expert views on the issue of identification of the relevant fingerprints. I concluded in 2001 that the conflict in expert evidence was such that there could be no question of criminal proceedings.”***

Basically the Lord Advocate is saying that because of a **difference of opinion** between experts he is refusing to **prosecute** the SCRO experts. In addition he is refusing an **enquiry** that would establish which experts are correct.

**In failing to ensure that full enquiry is made to ascertain which experts were correct and in failing to resolve this conflict in fingerprint evidence the Lord Advocate has undermined one of the major tenets of fingerprinting:**

***‘That where two experts come to opposite conclusions about an identification and the print is of sufficient quality and quantity of detail to reach a conclusion then one of those experts must be wrong.’***

In the **Marion Ross murder** we are dealing with **two fingerprints** that by common consent of all experts exhibit sufficient **quality and quantity** to be analysed. A definitive conclusion must therefore be possible in respect of **identification** or **exclusion**.

**In effect the Lord Advocate has decided that it is possible for one expert to legitimately call an identification and for another to disagree and exclude and for both to be correct.**

**In failing to resolve the expert differences about two fingerprints in the Marion Ross case by way of prosecution or a judicial enquiry the Lord Advocate has effectively undermined the whole scientific basis of fingerprinting that could have worldwide significance. He has at a stroke destroyed the effectiveness of one of the major crime prevention and detection tools in the world.**

Experts wishing to comment on his statement can write to the Lord Advocate at:

**Mr Colin Boyd, QC  
Crown Office  
25 Chambers Street  
Edinburgh EH1 1LA  
[scottish.ministers@scotland.gov.uk](mailto:scottish.ministers@scotland.gov.uk)**

**Copies of any letters will be published on site for the information of the fingerprint community.**