

The Herald

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Inquiry on fingerprint evidence is essential

THE necessity for an inquiry into fingerprint evidence grows stronger every day. It should include inquiry into the print evidence in the case of HM advocate against Mark Sinclair at the Ayr Circuit of September 2003.

In that case, the defence sent the Crown fingerprints to Mr Allan Bayle to be checked. He could not

support the identification given by the SCRO. I drew this to the attention of the prosecuting advocate depute, who then sent the prints to the Northern Ireland Police fingerprint department for another opinion. Its opinion was that there was a misidentification by the SCRO. This case was after the reforms promised had been promulgated and presumably implemented. In the case of Sinclair, the Crown clearly could not trust the SCRO and did not call any fingerprint evidence.

Until the SCRO is put on a trustworthy basis, no fingerprint evidence coming from it should be used in a Scottish court. If the Crown cannot trust it, who can? Anyone convicted on its evidence must now have their conviction reviewed. As a pleader of many years' experience in the High Court, I find the lack of confidence in the SCRO devastating.

Ian Hamilton, QC,
Lochnabeithe,
North Connel, Argyll.

Postbag poll

The balance of opinion among this week's Herald letter writers

There should be a public inquiry on the Shirley McKie case and Scotland's fingerprinting system

100% said Yes

0% said No



HEARING: Shirley McKie's case has prompted calls for an inquiry.

Hot topics

What's on your mind: the five most common subjects of letters this week

1. Islam
2. Shirley McKie/fingerprinting
3. The Dunfermline by-election
4. Green spaces in Glasgow
5. Council tax/Shape of Scotland

An honest mistake in McKie case, or what?

AS A former detective officer who worked in the Scottish Criminal Record Office fingerprint department for seven years, I am intrigued by the announcement of the first minister that the fiasco which was the Shirley McKie scenario was "an honest mistake". This gives the general public the feeling that "someone" made a mistake and by giving Miss McKie £750,000 all has been rectified. Unless the procedure in the SCRO fingerprint department has been altered drastically from my time there, the honest mistake would have to have been made by at least six so-called fingerprint experts.

When a "mark" (fingerprint) is found at the scene of a crime and is identified subsequently as belonging to a certain person, there have to be 16 points identified in sequence and agreement between both fingerprints. Having satisfied himself that he has identified the fingerprint found at the scene, the fingerprint expert would then have to have his finding verified by another fingerprint expert working independently. When the second fingerprint expert concurred, he would then have the same procedure followed by another two fingerprint experts of senior position in the SCRO.

When all of those fingerprint experts have agreed that the mark found at the scene of the crime is "an ident", an enlargement of the "mark" and the identified fingerprint would be made photographically and a senior fingerprint expert would then draw out the 16 matching points from the mark and the identified fingerprint so that the procurator-fiscal and "Joe Bloggs" on the jury would be able to see how clearly the fingerprint and the mark from the crime scene matched up by marking each point identified from No 1 to No 16 in red ink.

I am sure that the ever-intelligent readership of The Herald letters page will agree that a so-called honest mistake takes on a different meaning when viewed from this perspective.

I do not know Miss McKie but, like many other members of the public, I would like to know how

such an error could be made by such a reputable government department (SCRO) and including the procurators-fiscal department when one considers that a police officer's career and, indeed, freedom were at stake and for that matter the whole question of the credibility of fingerprint evidence both past and present.

The silence from the SCRO hierarchy is deafening and I must reluctantly agree that a full and honest inquiry into this whole sorry situation must be started immediately so that faith can be restored in the justice system and Miss McKie can at last get on with her life.

Robert Johnstone,
Prestwick.

MUCH has been written about the Shirley McKie fingerprint case. I don't know if it was her fingerprint or not; what I do know is that in dealing with SCRO for more than 25 years I have never had occasion to question its identifications.

Before a suspect can be taken to court there have to be at least 16 points of comparison - anything less is not acceptable to the SCRO, the procurator-fiscal or the courts. I have been involved in the investigation of more than 200 murders, some of which were as a result of fingerprint identification. None of those cases depended purely on fingerprint evidence; it took us to the person responsible for the crime and a case was then built on that fact.

Of all the cases I have been involved in, including fingerprint identifications, no-one has ever claimed that they were innocent.

In 2002, I formed an organisation called www.asearchforjustice.co.uk and since then have crossed swords with police forces and procurators-fiscal throughout the land on a regular basis, so no-one can claim that I am speaking purely as an ex-police officer.

I can accept that anyone can make a mistake, but knowing how the system works at SCRO, unless it has deteriorated since I retired in 1983, I find it hard to believe that others condoned such a mistake.

Les Brown,
Glasgow.