

## **SCRO: ISOLATED AND ALONE**

**Today the American International Association for Identification (IAI) - the world's oldest and largest organisation of forensic identification investigators, examiners, analysts and technicians, boasting over 7,000 members - publishes the results of months of enquiry and assessment into the provenance of fingerprint 'Y7' – the fingerprint alleged by the SCRO to belong to Shirley McKie**

<http://www.theiai.org/history/>

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### **'Findings of the I.A.I.'s Y7 Committee by Robert Garrett, International Association for Identification President**

In 1997, Marion Ross, an elderly woman living a solitary life, was murdered inside her home in Kilmarnock, Scotland. Investigators at the crime scene developed a fingerprint on a door frame. The print or mark was subsequently identified to Shirley(sic) McKie, a detective constable with the Strathclyde Police, by fingerprint examiners of the Scottish Criminal Records Office (SCRO). A problem surfaced when the detective denied ever having been in the victim's house. The detective's unwillingness to admit to leaving the print resulted in charges of perjury and a trial for the offense. The detective hired her own fingerprint examiner(s) who refuted the findings of the examiners from SCRO. The detective was found not guilty and filed suit against the service in which she ultimately prevailed. The controversy surrounding the identity of the source of the print which was known as Y7 has not abated. For many years, members of the fingerprint community have asked for the International Association for Identification (IAI) to assist in resolving the issue. In response, as President of the IAI, I had decided to use its resources and study the issue. My decision was made in the interest of fingerprint science and its practice and without regard for any of the individuals involved.

A committee was organized to examine the Y7 mark and the alleged source of the print which was, according to SCRO examiners, the left thumb of Detective Shirley McKie. The committee consisted of four experienced fingerprint examiners, all certified by the IAI in latent print examination. A fifth member was a renowned expert in forensic imaging who also had a background in fingerprint science. Images of the Y7 mark were secured from a number of sources, each image scrutinized for consistency, quality and quantity of detail.

Three of the fingerprint examiners would be responsible for the actual examination and comparison of the prints. The fourth would be the committee chair, insuring the consistency of the processes used, commonality of reference, terminology and agreement of features used for comparison. The chair would also serve as the technical and administrative reviewer and be responsible for maintaining examination notes and documents. The examiners would conduct their comparisons individually after agreeing on which ridge characteristics to use, ridge counts and tolerances. Conclusions would also be made on an individual basis. Examiners would then act to review the conclusions of their co-workers.

The examiners were required to thoroughly document their analysis of the prints; observations made during the comparison of the prints and the basis for their conclusions. The notes and materials prepared by the examiners will be maintained by the IAI and made available to researchers. A detailed article, based on the committee's work and findings will be prepared for publication in the Journal of Forensic Identification.

On December 23, 2008 the Committee's work was completed with the arrival of the final examiner packet. It will be a while before the article is published considering the time necessary to prepare the article for submission to the JFI, the subsequent review process and the publication schedule, As Committee Chair, I decided to issue a summary finding of the committee's work. The examiners came to a unanimous conclusion that the developed latent print known as "Y7" and the recorded known exemplar print identified as the left thumb of Shirley McKie do not share a common source. Therefore, the left thumb of Shirley McKie is excluded as the source of latent print/finger mark Y7.'

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### **Points to Ponder**

**This important IAI report confirms the results of the following enquiries that concluded that fingerprint 'Y7' and/or 'QI 2' was misidentified by the SCRO experts and Peter Swan, Martin Leadbetter and John Berry.**

1. The 1999 evidence of defence Experts Pat Wertheim and David Grieve at Shirley McKie's Trial.
2. The 2000 report to the Minister for Justice by 14 Lothian and Border's Police experts.
3. The 2000 criminal investigation by Deputy Chief Constable James MacKay.
4. The 2000 HMIC's official investigation by Her Majesty's Inspector of Constabulary (HMIC).
5. The 2000 report by Danish experts on behalf of the Scottish Government.
6. The 2001 Durham National Training Centre report to the Crown Office.
7. The decision to quash David Asbury's life sentence for murder.
8. The 2002 Petition delivered to the Scottish Parliament signed by 4 world renowned experts.
9. Two reports submitted by independent expert John McLeod for the Scottish Government.
10. The May 2002 statement by 171 experts from 18 countries and 26 USA states.
11. The 2005 and 2006 reports by the three Grampian Experts.

In addition print 'Y7' is accepted as a mistake by:

12. SCRO Management
13. The Scottish Police Services Authority (SPSA).
14. The Crown Office.
15. The Scottish Government.
16. The Association of Chief Police Officers Scotland (ACPOS).

For over 12 years no independent enquiry into the fingerprints in the Marion Ross case has found in favour of the SCRO experts, Peter Swann, Martin Leadbetter and John Berry and yet some continue to prepare and present evidence in UK courts.

**Mr Leadbetter** runs a company called 'Competency Assessment Services Ltd' in which he describes himself thus:

*'Martin Leadbetter RFP FFS BA (Hons) has more than 40 years experience in fingerprint identification. He is currently chairman of the Fingerprint Society, A Distinguished Member of IAI, UK Representative for the IAI and a member of its editorial board and is a Registered Forensic Practitioner with CRFP.'*

<http://www.casltd.org.uk/index.php?page=meettheteam>

**Peter Swann** is a 'scientist' available for hire via the 'Forensic Access' website. Here is described as

*'.....a Fellow of the Academy of Experts, a Fellow of the Fingerprint Society, a Member of the International Association for Identification (IAI), a Member of the Forensic Science Society (FSSoc) and registered with the Council for the Registration of Forensic Practitioners (CRFP).'*

*'Our team of forensic scientists are some of the most experienced in the United Kingdom. .... This unrivalled source of expertise enables Forensic Access to help ensure the provision of safe and sustainable forensic science evidence in court. .... These scientists are some of the highest regarded scientists in their field with international reputations. They are at the peak of their profession and are CRFP accredited.'*

<http://www.forensic-access.co.uk/profile/peter-swann-forensic-scientist-fingerprints.html>

**Ms McBride**, one of the SCRO experts, is editor of the Fingerprint Society's magazine 'Fingerprint Whorld' and as such is responsible for deciding what is and is not printed in that magazine. She has recently been returned to duty in her previous post of fingerprint examiner and as such will be in the position to prepare and give evidence in Scottish Courts.

**If, as the IAI and other reports attest, these experts are wrong in the identification of fingerprints and have failed to admit this over a 12 year period then any analysis they carry out or any testimony they give is tainted and carries with it the danger of further miscarriages of justice.**