

## **Ex-detective sues police over treatment**

*John Robertson Law Correspondent*

A FORMER detective is claiming Â£100,000 damages over her "humiliating" treatment by colleagues when she was arrested on a perjury charge.

Shirley McKie, 38, whose subsequent acquittal by a High Court jury led to a radical overhaul of Scotland's fingerprints bureau, alleges she was effectively assaulted during an intimate search, which had been open to view by officers in a police station.

She also maintains the senior officer at her arrest had been intent on causing her embarrassment and was motivated by malice.

Strathclyde Police is fighting Ms McKie's claims and insists the arrest was carried out in a professional and wholly detached manner.

In 1997, Ms McKie was part of a team investigating the murder of Marion Ross, 51, at her home in Kilmarnock. A fingerprint found in the house was identified by the Scottish Criminal Records Office as Ms McKie's, although she swore she had never been inside the building.

At the trial of David Asbury, the man accused of the murder, Ms McKie repeated her denial that it was her fingerprint.

Asbury was convicted of murder and Ms McKie later stood trial for perjury. She was acquitted on a unanimous verdict of not guilty.

Public disquiet over the case and the mis-identification of the fingerprint prompted Jim Wallace, the justice minister, to announce in 2000 a wide-sweeping overhaul of the SCRO's fingerprints bureau.

Ms McKie's action against Strathclyde Police is being pursued in the Court of Session in Edinburgh, where a preliminary hearing took place yesterday.

She alleged that in the initial stages of the inquiry, when the fingerprint had been identified as hers, she was interviewed as a suspect for the murder by Detective Superintendent John Malcolm, who persisted in questioning her although she was clearly upset and was crying uncontrollably.

It was Det Supt Malcolm, she added, who arrived with two female officers at her home to arrest her in 1998.

Ms McKie said he pushed open the door and told her to get dressed, ordering Detective Sergeant Rosalind Morris to go with her.

Ms McKie was taken to Ayr police station and escorted "by the most public route" to the charge bar, where Det Supt Malcolm loudly gave an order to "hold the prisoner".

The female officers then held Ms McKie by the arms and took her to a detention room to be searched. The door had a window to allow officers outside to see what was happening .

She was told to strip to her underwear and was crying and distressed as an intimate search was carried out. It could easily have been observed by Det Supt Malcolm or other officers, said Ms McKie.

One of the issues put before the hearing was whether the case should be heard by a

jury, as Ms McKie wants, or by a judge, as the police prefer.

A ruling will be given later.

**This article:**

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