

February 12, 2000

## FINGERED

This woman's police career was ruined after she was accused of perjury. In a landmark legal case she cleared her name, but victory for Shirley McKie came at huge personal cost

**Laura Collins**

WHILE friends filled in university application forms and toyed with a variety of glamorous professions, Shirley McKie was in no doubt where her future lay. She was determined to follow her father into the police force.

She duly achieved her ambition in 1987, when she graduated from training college and joined Strathclyde Police where the promise she had shown as a cadet blossomed rapidly.

But yesterday those heady days seemed far away. At the age of 37, still with 17 years of service ahead of her, Miss McKie has been pensioned out of the force on the grounds of ill health.

Cut adrift from her job, isolated from former friends and colleagues, she draws what support she can from her father, Iain, a retired superintendent.

The official line - that she has retired due to 'injury sustained on duty' - does little to illuminate the extraordinary chain of events which has shattered Miss McKie's career and blighted her life.

The wounds she bears are psychological, the result of a case which challenges one of the most fundamental principles of police work held for more than a century - the infallibility of fingerprint evidence.

Last year Miss McKie stood in the dock of the High Court in Glasgow, accused of perjury. Her smudged thumbprint, it was alleged, had been found at a murder scene which she claimed never to have entered.

The killing occurred three years ago when elderly spinster Marion Ross was viciously attacked in her home in Kilmarnock, Ayrshire. She had been stabbed through the eye and throat and left slumped in the bathroom of her bungalow.

The area had been sealed off for the forensic tests which ultimately led to the conviction of David Asbury. It was a case which hung on fingerprint evidence. Any hint of contamination of the scene could have had a serious impact on Asbury's trial. That contamination coupled with an officer involved in the investigation, seemingly lying under oath, could well have seen Asbury walk free.

MISS McKie reflects: 'It would have been easier to simply say, "Okay, I made a mistake I was at the scene". But I wasn't and I'd always been brought up to tell the truth.' As the months after Asbury's conviction in May 1997 passed, it became all too

apparent to the police officer that the insinuation was not going to go away, and in 1998 she was arrested at her home in Ayr and charged with perjury.

Her trial lasted two weeks, during which information came to light which has rocked the Scottish legal system.

American fingerprint experts Pat Wertheim, 52, and David Grieve, 58, disputed the claims of Scottish experts that the thumbprint found on the bathroom door surround of Miss Ross's home was Miss McKie's.

And they did so with such aplomb as to convince judge and jury, resulting in Miss McKie's acquittal.

In his summation, Lord Johnston took the unusual step of commending the woman who had borne herself with such dignity and now stood, sobbing with relief in the dock before him.

But today Miss McKie says: 'Nothing has changed since then. You don't get more vindicated in a court than I did that day, but I've not had one word of apology.' According to Miss McKie's understanding of her case, the fault lies with the Scottish Criminal Records Office. She believes it is the SCRO which is responsible for the error that led to her being arrested for perjury.

She added: 'It's as if they just want to sweep it under the carpet. But this isn't over yet. All I want is an apology.' However, implicit in any apology would be the acknowledgement that the infallible had failed - an admission which would throw into question the soundness of literally thousands of convictions, delivered in Scottish courts.

The ramifications of her case are not lost on Miss McKie but, for the time being, dealing with the personal impact is proving difficult enough.

After three years of stress which almost broke her, it will take more than an official ruling for her to recover from the loss of her childhood dream and the destruction of her future.

She says: 'I had worked in the police for ten years, now I'm not even capable of carrying out voluntary work. I was accused by friends and colleagues of perjury. Everybody thought I was a liar and there seemed to be nothing I could do about it. I was being presented with a thumb print and being told it was mine and I knew it couldn't be because I wasn't there. But I know what fingerprint evidence means to a police officer and how could I explain the fact that "my" thumb print was there if I wasn't?

'Marion Ross's body was found on the night of Wednesday, January 8, 1997, just after my sergeant and I had clocked off.

I REMEMBER because we were teased about missing out on the overtime the next day. The following morning we were sent round to question the neighbour who had found her body. At that stage the post mortem was still to be done and the flat wasn't sealed off as a murder scene until the afternoon.' During the initial days of the murder inquiry all officers were drafted into assist.

Miss McKie and her sergeant were sent to track down and interview builders who had been working on Miss Ross's home before her death.

David Asbury was among the crew.

But while elimination prints were carried out on his colleagues by Miss McKie and her sergeant, Asbury was nowhere to be found.

He had, according to a relative, disappeared, leaving a suicide note.

She says: 'We thought it a bit odd so my sergeant and I went round to Asbury's parents' house, asked them some questions and searched his bedroom.

We found a tin in his wardrobe which I took out. His father said Asbury was a good saver and the tin was his.' In fact the tin belonged to Miss Ross. Miss McKie recalls: 'When Asbury got back his prints were taken and he was placed in the house. The tin became a piece of evidence and Asbury was the prime suspect. At that stage my sergeant and I came forward and said "We've touched the tin", and gave our prints for elimination purposes.' It was several weeks before Miss McKie, by then no longer working on the murder inquiry, was approached by her Detective Inspector.

She says: 'He told me that one of the outstanding prints in the inquiry was mine. I said "Yes, I know, the one on the tin". And he said "No, from the bathroom door of the house". I didn't worry about it at all at the time, I just thought it was a mistake which would be sorted out with a telephone call to the Scottish Criminal Records Office.'

SHE could not have been more wrong. Miss McKie says: 'I had a couple of days leave due and I must admit that when I was away from work I began to worry that I hadn't heard anything. I kept expecting there to be a telephone call saying it was all sorted out, the mistake had been rectified, but it didn't come.' Instead, on her return to work, on Valentine's Day 1997, she was taken into the Detective Chief Inspector's office and a round of interviews, which became increasingly intimidating, began.

She says: 'It was as if when one couldn't get me to tell the "truth" somebody more superior would have a go. I knew they were concerned about the Asbury case and the affect the fingerprint might have on it, but I had to tell the truth and that's what I did.'

'I ended up signed off sick before Asbury came to trial. I couldn't stand the snide comments and suspicion.

Everybody thought I was lying and colleagues who had stuck by me at first fell away when they realised how serious it was all getting.

But after Asbury was convicted I thought it might all be over. In September 1997, Miss McKie returned to work. It was to be short-lived attempt to re-establish what she had lost. Put on protected duties she was seconded to the Mounted Police.

Miss McKie says: 'It was very difficult.

I had wanted to be in the CID ever since I joined. I had sat the promoted exams and passed them first time, I had taken an

HNC in Police Studies and was ready for another promotion but suddenly all they were offering me was cleaning out stables and grooming horses. There were so many paths closed to me. I didn't want to be anywhere near the Identification Bureau, I felt I couldn't go back to my division and I didn't want to work in Ayr because I knew so many people there, so I took what they offered.' But in March 1998, just as she was beginning to regain her confidence, the worst blow was delivered.

Miss McKie continued: 'I had taken a couple of days leave and was lying in bed on the morning of Friday, March 6, 1998. This silly mistake had been hanging over me for so long that I was beginning to think it had to be over.

Then there was this bang, bang, bang at the door and I answered it to three police officers. I knew it was trouble straight away.' She was informed that she was under arrest. In shock, she asked for time to get dressed. She was watched as she showered, went to the toilet and dressed before being taken to Ayr Police Station where an officer with whom she had trained took her details and ordered a strip search.

She says: 'It was so humiliating and unnecessary. That's when I lost hope.

I was being charged with perjury and I couldn't understand why. I thought if I was tried I would be convicted and go to prison, and I'm not ashamed to admit it I knew I couldn't go to there, I would have died instead.' HAD it not been for her determination to prove her innocence, and her father's knowledge of police work, an act of desperation might well have been the only avenue left open to her. Instead, she and her father trawled the Internet in search of anything that might help.

They could not have hoped for a more significant find than the American fingerprint experts.

They pointed to line after line on the image displayed in the courtroom, highlighting irregularities which convinced the jury that no match could be made between the print at the scene and Miss McKie's thumbprint. Miss McKie was cleared. Her trial was the first in 100 years to question the validity of fingerprint evidence and the ramifications of her victory were immense.

This week there was more encouraging news with the announcement that the Association of Chief Police Officers in Scotland have ordered an investigation into the handling of the case.

The inquiry is to be led by HM Chief Inspector of Constabulary William Taylor. Miss McKie hopes it is open and independent, and that the findings will be made public.

She is not alone in this desire.

Lord Johnston in his summation commented that the verdict had 'raised all sorts of issues'. Issues which were, in turn, taken up by concerned civilian experts of Lothian and Borders Police. In a letter addressed to Jim Wallace, Minister of Justice and Lord Hardie, the Lord Advocate, they expressed their readings of the case with a frightening simplicity, impossible to ignore, saying: 'At best the apparent misidentification is a display of gross incompetence. At worst it bears all the hallmarks of a conspiracy unparalleled in the history of Scottish fingerprints.'

LOAD-DATE: February 17, 2000