

## STATEMENT BY JIM WALLACE ON SHIRLEY MCKIE CASE

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Following today's announcement by Her Majesty's Chief Inspector of Constabulary for Scotland, Mr Bill Taylor, in relation to the Shirley McKie case, Justice Minister Jim Wallace made a statement to the Scottish Parliament.

Mr Wallace said:

"On 24 February the First Minister, in response to a question from Alan Wilson, informed the Parliament that in response to public concern about the case of Shirley McKie, Her Majesty's Chief Inspector of Constabulary, William Taylor, was to commence an inspection of the Fingerprint Bureau of the Scottish Criminal Record Office and to include an examination of the circumstances of the McKie case in that inspection. I provided more detail in a reply to a question from Mike Russell on 22 March. Members may recall that the McKie case concerned the acquittal of Shirley McKie who, as a constable of Strathclyde Police, had been charged with perjury. The charge related to an allegation that Shirley McKie had visited a crime scene to which she had been refused entry. An important element in the case against her was evidence provided by SCRO that the mark of a fingerprint found at the crime scene matched her fingerprints. During the trial expert witnesses called by her defence testified that the crime scene mark and the fingerprints of Shirley McKie did not match and that the crime scene mark was not made by her. She was acquitted. This raised doubts about the accuracy of SCRO's identification and it was in response to these concerns that the Executive asked Mr Taylor to bring the Inspection forward.

"The timescale for the Inspection was 3 months and I was informed yesterday by Mr Taylor that the Inspectorate's work was now complete and that he expected the report on his Inspection to be published in 6 to 8 week's time. However this Inspection included findings in relation to the Shirley McKie case and, having regard to the position of Shirley McKie and her family, who had pressed for an independent inquiry, and the public interest in the case, Mr Taylor felt he should announce the findings which were emerging from the Inspection as soon as he was in a position to do so. These were announced earlier this morning. Arrangements were made to brief the McKie family and staff at SCRO as part of this process. I know that a number of members are concerned about the McKie case for constituency reasons and it is of wider interest to us because of the importance of SCRO in detecting crime. It is for that reason I felt that we should inform members of the findings at the earliest opportunity, although what I am able to say is necessarily constrained by the fact that we do not have the full report.

"HMIC were assisted in their work by fingerprint experts from jurisdictions outwith Scotland and three were asked to provide independent advice on fingerprint methodology and processes. Two of these were asked to give an expert opinion in relation to the McKie case. The opinion of these experts was that there was sufficient detail in the crime scene mark involved in the McKie case to make a fingerprint identification but that that mark had not been made by Shirley McKie.

"In addition to announcing this finding, Mr Taylor had indicated that the Inspection has led to a number of other findings. These include:-

- the need for improvements in training, testing and quality assurance measures at SCRO
- consideration of a centralised fingerprint service for Scotland which would assert the corporate identity and independence of SCRO
- a planned move towards the introduction of a different evidential standard for fingerprints in Scotland.
- strengthened administrative support for the fingerprint service, and
- the setting up of a task force to take forward the changes the Inspectorate recommends."

"In summary, he concludes that at present the SCRO Fingerprint Bureau is not fully effective and efficient.

"Members will appreciate the seriousness of these findings. Fingerprint evidence is a vital tool in detecting and prosecuting crime and Scottish forces must be able to rely on fingerprint services which meet the highest standards.

"Following a briefing from Mr Taylor I was able to discuss his findings with Sir Roy Cameron, Secretary of the Association of Chief Police Officers in Scotland, yesterday evening. Sir Roy told me that ACPOS have decided to set up a Review Group under their incoming President, Mr William Rae, Chief Constable of Dumfries and Galloway Constabulary, to take forward work on all the findings. The Review Group will discuss its work with the SCRO Executive Committee which is responsible for overseeing the work of the Office. A special meeting of the Committee is being arranged to consider the findings. We in the Executive will do what we can to assist, although all of us will wish to have the opportunity to study the full report when it is published in deciding what more may need to be done.

"Clearly the findings may be felt to raise issues in relation to other cases. I have discussed the matter with the Lord Advocate and I understand that he will be issuing a statement later today.

"I am sure all members will share our concern that SCRO Fingerprint Bureau should, in the terms the Inspectorate uses, be fully effective and efficient. In his findings Mr Taylor emphasises the dedication and commitment of SCRO staff working under high demand. But clearly this is not in itself enough. We will play our part in providing the essential elements which police forces must have in the fight against crime."

## BBC News Online

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### **Fingerprints to be 'double-checked'**

Criminal convictions secured in Scotland using fingerprint evidence could be in jeopardy after a damning report.

In future, convictions relying on such evidence will be subjected to independent scrutiny as part of a sweeping shake-up recommended for the Scottish Criminal Records Office (SCRO).

An inquiry into Scotland's fingerprint service was launched after an investigation by BBC Scotland discredited fingerprint evidence which led to a policewoman being charged with perjury.

A report by Her Majesty's Chief Inspector of Constabulary subsequently vindicated former Strathclyde Police detective Shirley McKie, who had sought the help of an American fingerprint expert via the internet.

An independent report confirmed a fingerprint left at a crime scene did not belong to Ms McKie and has called for the SCRO to be overhauled.

The BBC's Frontline Scotland Finger of Suspicion programme contained expert opinion that SCRO staff working for Strathclyde Police wrongly identified a fingerprint at a murder scene in 1997.

It included a submission from US fingerprint expert Pat Wertheim, whom Ms McKie came across when while using the internet to prepare her case.

Ms McKie was accused of leaving a print and four SCRO experts said the print belonged to her.

The former officer was found not guilty of perjury at the High Court in Glasgow last summer, although the head of the SCRO maintained the fingerprint identification was sound.

#### **'Not effective or efficient'**

Independent inspectors confirmed the SCRO identification was wrong and have recommended new training, back-up and management structures should be put in place.

Ms McKie was in the gallery at the Scottish Parliament on Thursday to hear Justice Minister Jim Wallace give MSPs details of the report.

Mr Wallace said: "It concludes that, at present, the SCRO is not fully effective and efficient.

"Members will appreciate the seriousness of these findings.

"Fingerprint evidence is a vital tool in detecting and prosecuting crime and Scottish forces must be able to rely on fingerprint services which meet the highest standards.

"I certainly recognise this case has caused great distress to Ms McKie and I very much regret that."

Scotland's senior law officer, Lord Advocate Colin Boyd, told MSPs the Crown had acted in good faith in Ms McKie's case.

"I very much regret that Shirley McKie and her family underwent this ordeal," he said.

### **External checks**

"And I pay tribute to her tenacity and that of her family in pursuing this matter."

He then went on to tell MSPs of the consequences of the affair.

In all current and future cases in which fingerprint evidence was provided by the SCRO, independent external checks would be made by other bureaux.

There have been calls for some cases where fingerprint evidence played a crucial part to be re-examined.

These include the case which Ms McKie was investigating.

In 1997, David Asbury, from Kilbirnie in Ayrshire, was jailed for the murder of Kilmarnock woman Marion Ross.

But he denied the killing and independent fingerprint expert Pat Wertheim has since cast doubt over evidence presented in the case.

Fingerprint evidence played a crucial role in Asbury's conviction and his family have appealed for the case to be overturned.

### **'It's been some fight'**

Mr Boyd said he had asked officials to check how many appeals were outstanding based on claims of misidentified fingerprints.

"No such cases were found", he said.

Mr Boyd said an appeal against Asbury's conviction was pending, but no appeal grounds had been lodged challenging fingerprint evidence.

Outside the parliament Ms McKie said: "I'm just overwhelmed. I feel as if it was a day that would never happen and here I am. I'm just overwhelmed by it.

"I'm just so pleased. It's been some fight. It really has."

And she called for three police personnel who gave evidence at her trial for perjury to be suspended.

She said: "As far as I know they are still working within the Scottish Criminal Records Office and that is appalling when I think about what happened to me."

Scottish National Party MSP Mike Russell said: "I am delighted that Shirley McKie has been vindicated at the end of her three-year ordeal.

"This has been an astonishing saga of incompetence and mismanagement.

"Now that at long last Shirley's reputation and good name has been restored, there must be a full investigation into this very serious matter, at the end of which heads must roll."