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Fingerprints unreliable as evidence says police chief

By **Neil Mackay** Home Affairs Editor

FINGERPRINTS can never be 100% accurate and should not be automatically accepted by juries as proof of guilt, one of Britain's highest-ranking police officers has admitted.

Cambridgeshire's chief constable, Benn Gunn, has cast doubt on a century of belief in the infallibility of fingerprints in the wake of the Shirley McKie case which saw Scottish courts recognise for the first time that fingerprints could not be relied upon to provide concrete proof of guilt.

McKie, a detective with Strathclyde Police, was charged with perjury after claiming that a print found at a murder scene did not belong to her. Her colleagues in the Scottish Criminal Records Office fingerprint bureau claimed it matched her prints.

McKie had been assigned to the Marion Ross murder case four years ago. One of her prints was found in the victim's home even though McKie had never set foot inside the house.

Four forensic experts matched the print to her, and when the alleged killer, David Asbury, stood trial for the murder, McKie said under oath that she didn't leave a print in the house.

Asbury was convicted of murder, and McKie was subsequently charged with perjury. She then called in an independent American fingerprint expert, Pat Wertheim, in her defence. He claimed the print could not belong to McKie. The jury accepted his scientific opinion and McKie was found not guilty.

A subsequent government inquiry into the SCRO called for a total overhaul of the fingerprint bureau and the four experts involved in the McKie case were suspended from work and could still face criminal charges. Asbury was later released from jail pending an appeal of his conviction.

A Panorama investigation, due to be screened on BBC 1 tonight, uncovers a series of other cases based on fingerprint evidence which was found to be faulty. It also features Chief Constable Benn Gunn admitting that the 16-point identification system, used to match a person to a print, can no longer be considered reliable evidence for a conviction.

He says that one of the major problems in courts is that fingerprint evidence is seldom, if ever, challenged. Juries, and even some lawyers, have come to the conclusion that if you reach 16 points in a fingerprint identification it's almost fact, he says.

It's not evidence of fact. It is evidence of opinion, and human beings see different things; experts see different things. It may be an identification, but it isn't fact, it is opinion.

Gunn also says he is worried by the failure of police officers and fingerprint experts to admit to mistakes. He says there may be an element of officers believing that it is

more important to protect themselves, and the reputation of fingerprinting as a science, than admit to flaws in the system.

Michael Mansfield QC, the acclaimed defence barrister, says: Whenever, I've had a case in which I've been told, or I've seen, that the evidence suggests that the client's fingerprints are on an item which puts him or her right at the centre of the crime alleged, then I think we have a major problem.

The Home Office has been aware of the problems surrounding fingerprint identification since 1988 when a review of the 16-point system found huge variation in identification from fingerprint bureaux across the country.

The 16-point standard was finally abolished last month and identification must now be triple-checked before it can be presented in court. However, Michael Mansfield says the idea of a fingerprint bureau operating its own independent verification is a joke.

He added: You have to ask yourself how many people have been wrongly convicted by juries who believe that when they're told one print matches another that there's no way out?

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