

1

2 **(1.50 pm)**

3 MISS CARMICHAEL: The next witness is Alexander McAllister.

4 **ALEXANDER McALLISTER (sworn)**

5 THE CHAIRMAN: Could we just have your full name for the
6 record.

7 A. Yes -- may I sit down?

8 THE CHAIRMAN: Yes, of course.

9 A. My name is Alexander McAllister. I'm a Detective Chief
10 Superintendent with Strathclyde Police.

11 **Examined by MISS CARMICHAEL**

12 Q. Mr McAllister, I think you prepared a written statement
13 for the Inquiry.

14 A. That is correct.

15 Q. And you have signed that?

16 A. I'm sorry?

17 Q. You signed that, you signed your statement?

18 A. I have signed it, yes.

19 Q. Do you have a copy of that to hand?

20 A. I do, yes.

21 Q. And you are satisfied that records your position in
22 relation to the matters you were asked about?

23 A. Yes.

24 Q. I think we have heard from your colleague, your former
25 colleague anyway, Mr Heath, that you were the Deputy

1 Senior Investigating Officer in relation to the
2 investigation into the murder of Marion Ross in 1997.

3 A. Yes, that's correct.

4 Q. Can you tell us a little about what that roll involved.

5 A. The role, it's fairly self-explanatory. As it says, I
6 was a deputy, the second in command in a chain in other
7 words, for the investigation of the death of Marion
8 Ross. As part of that role my job is to maintain the
9 same level of knowledge as the Senior Investigating
10 Officer whilst still taking instructions from him in
11 order that, if necessary, I can deputise or take over
12 completely if that is ever found to be necessary.

13 Q. I think we heard from Mr Heath as well you had a
14 particular role in liaising with the laboratory, with
15 SCRO Fingerprint Bureau and with the Identification
16 Bureau in this investigation.

17 I wonder if you could tell us a little more in general
18 terms, we will deal with this in more detail later, if
19 you can tell us in general terms what that involved?

20 A. Yes. Because of the nature of this investigation,
21 Mr Heath as SIO had tasked me specifically to maintain
22 liaison with the forensic investigation branches (in
23 other words Strathclyde Police Forensic Science
24 Laboratory and Strathclyde Police Identification Bureau
25 and the SCRO fingerprint section so that the knowledge

1 coming from the work of these areas were laying in one
2 person rather than simply it being spread round various
3 people within the investigation team.

4 Q. I will come back and ask you a little bit more about the
5 murder investigation itself in due course,
6 Mr McAllister, but I would like to ask you first about a
7 particular matter that has been perhaps occupying us
8 this morning.

9 I think possibly because of your role with liaising
10 with SCRO and so on there came to be a point where you
11 reviewed the scene of the murder and I think that was on
12 23rd January?

13 A. That's correct, yes. It was the day following the
14 arrest of Mr Asbury.

15 Q. I wonder if you could tell us what that scene review
16 consisted of.

17 A. My review of the fingerprint investigation of the scene
18 was part of a series of actions which also included a
19 review of the search of the scene by Strathclyde Police
20 officers and the following day included a further search
21 by specialist trained officers of the whole house.

22 Do you wish me to continue in detail with the
23 fingerprint element?

24 Q. Yes. It is of course the fingerprints that we are
25 particularly interested in and I am interested in your

1 review of the scene, so far as fingerprints were
2 concerned, as at 23rd January.

3 A. Yes. To put it in context, on the following day the
4 specialist search team that was going to be
5 introduced into the house were officers who had nothing
6 to do with the inquiry. The reason for them being there
7 was to try and identify if there were any possible areas
8 within the house or curtilage that had been missed
9 hitherto, areas like voids within the house, that's
10 their particular expertise. Because we were introducing
11 this specialist team in who would necessarily have to
12 intrude in the scene, I felt it prudent to conduct a
13 review before doing so, both of the forensic examination
14 by the fingerprint examiners and also the search of the
15 house by my own staff.

16 In relation to the fingerprints, I was seeking to --
17 well, essentially seeking an assurance from
18 Identification Bureau that the strategy between myself
19 and Mr Hogg at the outset had been followed through and,
20 more specifically within that, I was seeking information
21 about the small number of outstanding marks which had
22 yet to be identified.

23 Q. Which Identification Bureau staff did you take along
24 with you?

25 A. Well, the member of the staff who -- I can't recall

1 whether we went together or whether they simply met me
2 there but the member of staff was a Mr Michael Moffat.

3 Q. What did you and Mr Moffat do?

4 A. We had a general -- my detailed recollection is somewhat
5 hazy after 12 years but I was satisfied in general terms
6 that essentially the whole house had been fingerprinted,
7 if I simplify it, and thereafter I got Mr Moffat to show
8 me the location of the -- I think there were 18
9 outstanding marks at that time -- to show me the
10 location of each of them and I made some notes for my
11 own benefit to follow-up, to try and achieve elimination
12 of those marks.

13 Q. Am I right you were particularly interested in some
14 marks on the bathroom doorframe?

15 A. Only in as much as Miss Ross' body had been found in the
16 bathroom on the ground floor so clearly any marks within
17 the bathroom itself or for this matter on the doors or
18 door surround to the bathroom were clearly of particular
19 importance, but only from a perspective of they were in
20 the vicinity of where Miss Ross' body had lay.

21 Q. Some of these marks, if I understand your statement
22 correctly, were marks that had not been identified at
23 the stage that you were visiting?

24 A. There were a number of marks there which had yet to be
25 identified, yes.

1 Q. What was the discussion between you and Mr Moffat about
2 the marks on the doorframe?

3 A. I don't recall the detail of the discussion, I must say,
4 but what I was looking for was to assess each of these
5 outstanding marks to see what further actions we might
6 take to try and achieve identification.

7 I did make a note shortly after that meeting on each
8 of these 18 or so marks in which I recorded my thoughts
9 which arose from our discussion at the time.

10 Q. I think we have your note and I will take you to that,
11 Mr McAllister, in due course.

12 Thinking about particularly some marks, Y7 and Z7, I
13 think these were marks on, if they were in the hallway
14 of the property, on the right-hand side of the
15 doorframe?

16 A. Yes, my recollection is they were on the frame at the
17 right -- that's the doorway into the bathroom where
18 Miss Ross' body was.

19 Q. I think you came to discuss those marks with Mr Moffat?

20 A. I'm sorry?

21 Q. You came to discuss those marks with Mr Moffat?

22 A. We probably had discussion on each one of the 18 marks
23 that were around the house. As I say, I don't remember
24 specifically but I don't doubt we probably did discuss
25 at least in some degree what the origin of those marks

1 may have been.

2 Q. What, if anything, did Mr Moffat say to you?

3 A. I'm sorry?

4 Q. What did Mr Moffat say to you about those marks if you

5 can remember?

6 A. No, I've no recollection of the specific discussions, if
7 any, that took place in relation to any of the 18 marks.

8 Q. Mr Moffat has told the Inquiry, and I think you are
9 aware of this suggestion already, that what he said to
10 you on that occasion was that he thought that the marks
11 might belong to an officer called Gary Gray.

12 A. I became aware of that suggestion in the year 2000 and
13 that was the first -- I think that was the first I was
14 aware of that.

15 Q. How did you become aware of that?

16 A. I was made aware of that by officers of Tayside Police
17 who were interviewing me. This is for the Inquiry
18 carried out under the direction of Mr Mackay, then the
19 Deputy Chief Constable.

20 The officers from Tayside Police who interviewed me
21 made me aware that Michael Moffat had made comment that
22 and I think it was along the lines of I had told him
23 that I knew that the mark Y7 was that of a police
24 officer, which was absolute nonsense.

25 Q. We will come to the question of that part of it in a

1 moment, but just thinking about the account that he had
2 said to you he thought it was Gary Gray's print, what is
3 your response to that? Is that something you remember
4 happening?

5 A. Did Mr Moffat say anything to me directly?

6 Q. Yes.

7 A. No. No, as I said, the first I became aware of this was
8 in the year 2000 when interviewed by Tayside police
9 officers who were relating it second-hand.

10 Q. When you became aware of it, did you become aware of a
11 suggestion that you had been told it was Gary Gray's
12 print?

13 A. Yes, I think that was part of that general information
14 that they conveyed to me at that time.

15 Q. Have you ever had any occasion to take it up with
16 Mr Gray at all?

17 A. No. By that stage it was three years after the
18 investigation. I was aware that Gary Gray had been one
19 of the first detective officers to attend the scene and,
20 in fact, had been in the house and as a matter of
21 routine his own fingerprints would have been checked
22 against any outstanding marks in the house.

23 Q. But your position is that the name Gary Gray was never
24 mentioned to you at that time.

25 A. No, not at all.

1 Q. You started to tell us, I think, you are aware also of
2 the suggestion that you said to Michael Moffat that you
3 were aware that the mark belonged to another police
4 officer.

5 A. Yes. That was the gist of what I learned from the
6 Tayside officers.

7 Q. And your response to that?

8 A. My response to that was to question of them the
9 credibility of that information and I subsequently
10 submitted a report on that matter to the then head of
11 CID in Strathclyde Police to formally put on record my
12 concerns around this information which Mr Moffat had
13 given.

14 Q. I wonder if you could tell us a little bit more about
15 that. Who was the officer of CID?

16 A. At that time it was a Detective Chief Superintendent
17 John Malcolm.

18 Q. So you made a report to John Malcolm in, what, about
19 2000?

20 A. It was very soon after the interview by the Tayside
21 officers.

22 Q. If you take it from me they were generally interviewing
23 people in August and September 2000.

24 A. I actually still have a copy of my report. I actually
25 have it in my bag today for some reference purposes. I

1 don't think -- I'm not aware of this particular report
2 having been obtained by the Inquiry team previously.

3 Q. No, I think we're as one on that.

4 I wonder, sir, this may be of some significance. I
5 don't know if it is perhaps worth obtaining this at this
6 stage?

7 THE CHAIRMAN: Yes. It is not available to us at the
8 moment?

9 MISS CARMICHAEL: It not available. It is not something
10 that I have seen and it is not something that I know
11 about.

12 THE CHAIRMAN: I am not sure who can help us. I take it
13 there is no point just out of the blue, you cannot help
14 Mr Macpherson?

15 MR MACPHERSON: No, sir, I'm not aware of this document.

16 MISS CARMICHAEL: I wonder if I could beg for a brief
17 adjournment to look at this document at this stage. It
18 may be of some significance and I wouldn't want to lose
19 the opportunity of dealing with it this afternoon. It
20 may be possible perhaps to photocopy it, if it is of
21 significance, and to display it for everybody to see
22 this afternoon since we have become aware of its
23 existence. I am sorry to break so soon after we have
24 started.

25 THE CHAIRMAN: It can then be put on the system?

1 MISS CARMICHAEL: Certainly it can. It can't
2 instantaneously be put on it today but there are ways of
3 dealing with it today, if it is relevant.

4 THE CHAIRMAN: If we can do that, then will adjourn just for
5 a few minutes.

6 **(2.07 pm)**

7 **(A short break)**

8 **(2.11 pm)**

9 MISS CARMICHAEL: I am sorry to ask you to adjourn for what
10 has turned out not to be a good purpose. He does not
11 have the document with him and I wondered if it could be
12 faxed here today but I don't think it is going to be
13 possible. Given the timing, I suspect strongly that we
14 might be asking Mr McAllister to come back on Tuesday
15 anyway with the prospect of bringing this document, that
16 now becomes more like a certainty.

17 THE CHAIRMAN: If you would be good enough.

18 A. Yes, sir.

19 THE CHAIRMAN: In fact, if you can get the document sooner
20 to the Inquiry or a copy of it, then the process of
21 loading it on to our data bank can be advanced.

22 MISS CARMICHAEL: Yes, sir. I am told there may be
23 arrangements that can be made to have it picked up from
24 Kilmarnock.

25 A. I can certainly have the document made available first

1 thing on Monday.

2 THE CHAIRMAN: I am sure arrangements can be made to see
3 about that.

4 MISS CARMICHAEL: But you were telling us that you had
5 reported to Mr Malcolm, the head of CID, about the
6 matter.

7 A. Yes.

8 Q. In what terms -- and I appreciate that we will see your
9 report in due course now -- what were you saying about
10 it?

11 A. My concern was that the information given by Mr Moffat
12 was completely and utterly erroneous and both impacting
13 on myself personally and also because he, at that time,
14 was a serving officer of Strathclyde Police.

15 Q. At that stage did you have any concerns about Gary Gray
16 himself as being somebody named in what Mr Moffat was
17 saying?

18 A. Around something to do with a burst glove at the scene?

19 Q. Yes. Did you have any concerns about that?

20 A. No, I didn't have any concerns about that. It's not
21 that uncommon for an officer to inadvertently leave a
22 mark at the scene, hence the stringent methods taken
23 around elimination and checking officers against
24 outstanding marks.

25 Q. Were you, at the stage you were reporting to Mr Malcolm,

1 aware of what Gary Gray's position was in relation to
2 the allegation that he had a burst glove at the scene?

3 A. No. As I said, this was information coming to me
4 second-hand. It was the first, I think, I'd heard of
5 that and my response in all the circumstances was to
6 report the matter to my senior line manager for whatever
7 action he thought was appropriate in the circumstances.

8 Q. Do you know whether anyone in Strathclyde Police ever
9 made any investigations into the matter from the point
10 of view of finding out whether what Mr Moffat said about
11 Gary Gray was correct?

12 A. I don't know what was done with that. Obviously
13 Mr Mackay's Inquiry was then in full flow and I don't
14 know what follow-on action, if any, was taken by my own
15 force.

16 Q. Might it be that Mr Malcolm is the person who will be
17 able to tell us about that?

18 A. Possibly.

19 Q. I think we will see your report in due course then,
20 Mr McAllister. Thank you for telling us about that.

21 A. Yes.

22 Q. You started to tell me, and I said we would come to it,
23 about some notes you made at the time. I wonder if you
24 could look, please, at CO1706 at page 4.

25 Is this one of the pages of the notes that you made?

1 A. Yes, it is.

2 Q. That you were referring to making. Can you tell the
3 Inquiry to the best of your recollection when you made
4 these notes?

5 A. I didn't date the note but I would have made it fairly
6 soon after concluding the review of the crime scene,
7 possibly that afternoon or perhaps the following
8 morning.

9 Q. We see there is an entry for Y7 that is highlighted
10 there. Is the highlighting yours or somebody else's
11 that's come to it later?

12 A. It's someone else's.

13 Q. You record there a location for Y7 "RHS hallway bathroom
14 door surround 5 feet", and a little arrow. What does
15 the arrow mean from your point of view?

16 A. The arrow, I think -- well, that element is simply
17 copied from the schedule prepared by the fingerprint
18 examiners at the Identification Bureau. I'm by no means
19 an expert. I think the arrow refers to the orientation
20 of the mark in the opinion of the examiner.

21 Q. You write:

22 "Very interesting position on R ...", I take it that's
23 right?

24 A. Right.

25 Q. "... door surround leaning into bathroom?"

1 A. Yes.

2 Q. Why did you think it was very interesting position,
3 Mr McAllister?

4 A. Because of the proximity of the mark to the location of
5 Miss Ross' body.

6 Q. Why did you write, "leaning into bathroom?" What should
7 we take from that?

8 A. That comment is my own thought or a question to myself
9 at the time. In other words, has the mark been left by
10 someone leaning into the bathroom and having their hand
11 on the door surround at the time.

12 Q. Do you yourself have any expertise in interpreting from
13 a fingerprint that that might be the case that someone
14 is leaning into the bathroom?

15 A. None whatsoever.

16 Q. You write "Possibly R little finger of palmer Z7."

17 A. Yes.

18 Q. Again, what made you write that?

19 A. As I recall, Z7 was a palmer impression, which was in
20 close proximity to Y7 and, again, it's a question to
21 myself in terms of trying to achieve elimination of Y7.

22 The question I'm asking myself is it related to Z7, in
23 other words are they from the same donor and at some
24 point thereafter I have made a check and noted that Z7,
25 in fact, was insufficient for identification.

1 Q. I wondered when in relation to the rest of the notes the
2 note about Z7 had been made?

3 A. In terms of the "insufficient" comment?

4 Q. Yes.

5 A. I don't know specifically when but I had marked up the
6 answers to some of the questions, if you like, to a
7 number of the unidentified marks at some later point,
8 presumably after checking with SCRO around the
9 identification or elimination of marks. I can't say
10 when exactly that would have been.

11 Q. Can you recall, going back to 23rd January, were you
12 perhaps recalling at the scene that you expressed a view
13 that the mark belonged to a woman or a child, that you
14 might have said something of that sort?

15 A. I don't recall specifically saying so. I may have done.
16 Again, I'm not a fingerprint expert at all and, as I've
17 noted, there's at least in my mind at least the
18 possibility that it may have been a little finger of the
19 palmer and for that matter there may not have been a
20 huge amount of mark visible. I may have thought out
21 loud, if you like, and speculated whether it might have
22 been because of the size of the mark whether it might
23 have been left by a child or possibly a woman.

24 Obviously fingerprints or the marks left tend to be
25 smaller than for men by and large. It would be no more

1 than just speculation from the mark.

2 Q. Again, this is you as a police officer speaking without
3 any particular expertise in interpreting fingerprints?

4 A. I have taken fingerprints from people on many occasions
5 in order to submit them and, because of doing so, I am
6 aware that in general terms the impressions taken from
7 females tend to be smaller and neater than impressions
8 from men but no more than that.

9 Q. Which I suspect, as to the relative sizes of most men
10 and most women, we might suspect in any event.

11 A. Yes.

12 Q. I suspect we may return to that chapter when your
13 document is available, Mr McAllister, but if we can
14 perhaps go back, out of order, to the night of
15 8th January 1997, which would be when you first became
16 aware of and involved in the inquiry.

17 There has been some discussion and various accounts in
18 evidence to the Inquiry regarding whether a forensic
19 examination may have been carried out on the evening of
20 8th January. I would like you to look for me, please,
21 at paragraph 11 of your statement, just at the foot of
22 page 3, and I think you record there that you were met
23 by a member of the Forensic Laboratory, Mr Martin
24 Fairley, as well as a member of the Identification
25 Bureau?

1 A. Mmm.

2 Q. Can you recall what Mr Fairley was doing that night?

3 A. No. To explain -- if I may explain, I had no
4 involvement within the house itself. That was
5 undertaken by Mr Heath who was keen to limit intrusion
6 into the house. So I was never any closer to the house
7 on that evening than essentially the front driveway and,
8 in fact, I have to say that it was only by reference to
9 some other documentation that I can recall it was Martin
10 Fairley specifically who represented the Forensic
11 Science Laboratory at that time.

12 Q. So all we can say on the basis of your evidence is that
13 he was there?

14 A. Yes. I am satisfied it was Mr Fairley who represented
15 the Laboratory.

16 Q. It is also -- if I can refer you then next to
17 paragraph 17 of your statement, the Inquiry has also
18 heard some evidence about whether the investigation was
19 a murder inquiry or whether it was a suspicious death or
20 whether it was thought that the lady had in fact
21 committed suicide.

22 I would like your best recollection of what the
23 position was, please.

24 A. My recollection and the view that I took at the time
25 from the various briefings that took place was that we

1 were in all probability dealing with a homicide, albeit
2 that, as I recall, the pathologist in attendance had not
3 excluded the possibility of suicide. But given the
4 rather graphic detail, the manner of death and the
5 manner in which Miss Ross' body was found, it seemed to
6 me that it was very probable that it was in fact a
7 homicide.

8 Q. What effect -- I think we heard from Mr Heath that the
9 investigation couldn't be officially designated as a
10 murder inquiry until there had been post-mortem results?

11 A. That would be the normal course of events in terms of a
12 suspicious death, that the official determination, if
13 you like, as a murder inquiry would hinge on the
14 pathologist's cause of death.

15 Q. Is that, according to your recollection, how matters
16 proceeded, at least as regards the official designation
17 in this case?

18 A. We effectively proceeded as though it was a murder, to
19 put it in simplistic terms. To explain, police
20 procedures when a death is deemed to be suspicious,
21 that's really on a scale. Sometimes the suspicion might
22 simply be some minor unexplained bruising which is noted
23 by the police casualty surgeon. So the level of
24 suspicion can be very low.

25 In this case the level of suspicion was very high

1 indeed, so we were effectively treating it as a homicide
2 notwithstanding the fact that ultimately it was for the
3 pathologist to provide the cause of death.

4 Q. The Inquiry has also heard a suggestion that a series of
5 officers, I think up to six of them in pairs serially,
6 were stationed to keep watch from the living room rather
7 than from the within the porch during the night of
8 8th January into the morning of 9th January.

9 Is that something that you recall?

10 A. I've no recollection of that, no.

11 Q. Who would have been in charge of instructing the
12 watch-keeping officers, if I can call them that, where
13 to go?

14 A. I may have been involved in that myself although I have
15 no specific recollection about whether I did or not give
16 any specific instructions. I think what I can say is
17 that my expectation of that scene was that the guard,
18 the overnight guard, would be done from outside the
19 house itself, possibly with the officers being allowed
20 to use the front porch at the house but certainly not
21 within the house itself.

22 Q. When you say "outside the house", I am starting to feel
23 a little bit sorry for the officers because we are
24 talking about the start of January in Kilmarnock. Would
25 that have been a realistic possibility in those days?

1 A. That officers would have to keep guard from outside.

2 Q. Outside the house in January?

3 A. Yes. Yes, I have seen many crime scenes -- I've had to
4 do some myself as a young officer -- where in very
5 inclement weather a guard has to be maintained outside.

6 Q. Can you think of any reason they might have been
7 stationed in the living room?

8 A. I can't in all honesty, no. I wouldn't -- thinking back
9 to the layout of the house, the porch itself, though
10 it's not luxurious, would have given shelter from the
11 elements. I can think of no reason, no good reason, why
12 the officers on guard would access the house itself.

13 Q. Looking at matters the other way, would there be any
14 positive reason why they should not be stationed in the
15 living room?

16 A. Oh, absolutely. From the outset, Mr Heath was keen to
17 minimise intrusion into the scene. For example, even as
18 the second most senior detective officer at the scene, I
19 did not enter the scene that evening at all,
20 notwithstanding professional curiosity about what we
21 were dealing with, because there was no necessity for
22 both Mr Heath and I to enter the scene, so we were keen
23 to minimise intrusion into the house of Miss Ross.

24 Q. You told us a little bit in very general terms about
25 what your role in liaising with various other bodies,

1 the Forensic Science Laboratory, the Identification
2 Bureau and the SCRO fingerprint section and you give us
3 more detail about that in your statement at paragraphs
4 31 onwards, if you have that to hand.

5 Focussing first on the Identification Bureau, what was
6 your direct point of contact with them?

7 A. My point of contact on the first morning of the
8 investigation, on the Thursday morning, was with then
9 Chief Inspector Ian Hogg who was the head of Strathclyde
10 Police Identification Bureau.

11 Q. As the investigation went on, how often would you be in
12 touch with Chief Inspector Hogg?

13 A. We didn't require to have a lot of contact. There was
14 certainly contact at the first formal debrief, forensic
15 debrief, which was chaired by Ian Hogg and we may have
16 communicated on a small number of occasions thereafter,
17 although I don't have any specific recollections.

18 Q. Just so that we can be clear we understand who is in
19 charge of what, Mr Hogg would have been essentially the
20 boss of the Scenes of Crime officers?

21 A. Yes.

22 Q. And that's the Scenes of Crime Officers who would be at
23 the scene trying to find fingerprints?

24 A. Yes.

25 Q. And also of the officers trying to find fingerprints

1 when they are working in the laboratory?

2 A. Yes, yes.

3 Q. We have heard some evidence to indicate that people
4 working in the lab finding fingerprints on items that
5 were recovered did come into possession of some
6 contextual information about, for example, where items
7 had been recovered and, in particular, we have learned
8 that at least one of them is aware that a tin that came
9 to be significant in this investigation had been
10 recovered from the house of an accused person and was
11 thought, perhaps, to have come from the house of the
12 deceased.

13 Thinking about the channels of communication in this
14 case, how would he get that information? How would that
15 get to him?

16 A. Well, certainly at the formal debrief which was held
17 there would be -- the SI or myself, I think, probably it
18 was Steven Heath, would have given a summary of the
19 investigation, a summary of the circumstances leading up
20 to Miss Ross' death, as far as we had been able to
21 establish, with a view to informing everyone who had a
22 part to play in the investigation; in other words, so
23 that people were not working blindly but they were all
24 working away with at least that base level of knowledge
25 of the investigation.

1 Q. You mentioned a formal debrief. Just so I am quite
2 clear about what kind of debrief this is and who was
3 there I wonder if you can tell us a little more around
4 that.

5 A. Certainly the process at that time was to have a full
6 formal forensic debrief fairly quickly, I think on this
7 occasion about one week or so into the investigation.
8 That was chaired by the head of the Identification
9 Bureau, was attended by some Identification Bureau
10 staff, by representatives from the Forensic Science
11 Laboratory, that's biologists and/or chemists, by the
12 senior investigators, the SIO, and potentially the
13 deputy SIO and hopefully by the pathologist, if
14 available to attend.

15 The idea behind this process was so that the Senior
16 Investigating Officer could draw a level of assurance
17 that the necessary specialist forensic work to try to
18 progress the inquiry was in fact agreed by all and was
19 being carried out.

20 Q. I think just focussing for the moment on the tin that
21 came to be of significance in this inquiry, I think we
22 have learned that that was a tin that was recovered on
23 22nd January, a couple of weeks into this investigation.

24 A. Yes.

25 Q. Bearing that time-frame in mind, how would this

1 information about it have come to the attention of the
2 gentleman who was working on it to recover fingerprints
3 from it?

4 A. When the tin was seized during the search of David
5 Asbury's house, that was done as a full forensic and
6 video recorded and photographed search which involved a
7 number of staff from the Identification Bureau itself,
8 from the Forensic Science Laboratory and, for that
9 matter, police officers. The existence of the tin was
10 already known prior to the search because it had been
11 noted by Detective Sergeant Shields and Detective
12 Constable Cardwell when they had made initial enquiries
13 at that house.

14 It's relevance around that time was the large amount
15 of money that was contained within the tin rather than
16 the tin itself.

17 Q. In a sense, I am less interested in what the particular
18 relevance of it to the inquiry was than how the
19 information about its relevancy came to be disseminated
20 into different areas and, in particular, to the people
21 who came to be looking for fingerprints on it.

22 A. Sorry, I perhaps didn't make that entirely clear. To go
23 back to the identification and the seizure of the tin in
24 the first place there were representatives from all the
25 branches of the investigation present there who would

1 have been aware the fact the tin was seized at that time
2 and, for that matter, why it was seized.

3 In addition to that, there may have been communication
4 between the SIO and staff and possibly even by myself to
5 staff at the Identification Bureau, although I can't
6 specifically recall any discussion about the tin per se.

7 Q. So it may be that the information simply filters out
8 because some of their colleagues are working at the
9 scene recovering the item?

10 A. Yes. There were many items being submitted to the
11 examination room at the Identification Bureau for latent
12 fingerprint examination. The tin and the money which
13 were taken from Mr Asbury's house were simply two items
14 in a very long list.

15 Q. On the picture that you are giving us, I suspect it may
16 not be altogether easy, even if you wish to prevent some
17 of that information passing from the scene, from people
18 who recovered the item to the people who come to examine
19 it but, leaving that out of account if we can, is there
20 any reason why the people who come to examine these
21 items would need to know in order to do their jobs
22 properly, for example, in the case of the tin that it
23 had been recovered from the house of an accused person
24 and that there was some thought that it may have derived
25 from the house where the murder took place?

1 A. It would be, I think, relevant for them to know the fact
2 that the tin -- if I speak specifically about the tin --
3 had been taken from the house of the man who had been
4 arrested for the murder. So it was particularly
5 important amongst other items removed from the house.
6 So all these items removed from the house were of
7 particular relevance to examination for potential
8 evidence.

9 Q. But again you will correct me if I am wrong in speaking
10 from a position of ignorance here, Mr McAllister, but
11 one might have a vision of the gentleman working away in
12 the lab with the powders, with the chemicals, with the
13 superglue, doing their level best to find marks.

14 In order to do that to the best of their ability, is
15 there any reason why they need to know any more than
16 that this is related to a serious crime and that it is
17 important to the police to have fingerprints looked for?

18 A. I think in one aspect these experts, no, they don't need
19 to know anything other than what the investigators wish
20 them to do. For example, if we refer to the tin, the
21 information they would require was that the tin would be
22 subjected to latent fingerprint development and for that
23 matter would it be all areas of the tin or only, for
24 example, the exterior of the tin.

25 On a wider sense, though in an investigation of that

1 sort we work as a team, the reality is that these sorts
2 of crimes are solved by teamwork and in a wide sense
3 everybody working on that is viewed as part of the team
4 and unless there is good reason not to give some
5 specific information (for example, such as rather
6 sensitive intelligence), then the practice would be to
7 share as much information as possible, to motivate
8 individuals who were all giving or being asked to give
9 more than they would normally and hopefully so that we
10 get the maximum results from all the enquiries that were
11 ongoing.

12 Those could be forensic enquiries, it could be
13 officers trailing around trapping(?) on doors in
14 January; whatever it might be, teamwork, we know, is
15 what solves murders.

16 Q. I suppose taking that line of thought on a little bit
17 further, you described teamwork and motivating people by
18 making them feel part of a team, "We're all working
19 together to solve a crime".

20 A. Yes.

21 Q. How did that apply in practice to relations and
22 communications with the SCRO Fingerprint Bureau?

23 A. Well, on a normal case -- if I use an example, an
24 everyday domestic house break-in where fingerprints have
25 occurred there would be no communication whatsoever with

1 the SCRO fingerprint section. Any marks that were
2 developed would be simply be submitted to SCRO, the role
3 of the police is to try and identify legitimate donors
4 of those marks, obtain elimination forms and submit them
5 to SCRO and beyond that there would probably be no
6 contact whatsoever.

7 In a case of this nature, which involved in excess of
8 400 identifications for elimination, in excess of 400
9 marks, we were very conscious that we were asking a lot
10 of SCRO. There was effectively a whole team dedicated
11 to this one investigation, notwithstanding all the other
12 work that was ongoing.

13 Q. So in this these sort of big investigations what would
14 be the positive contact with the SCRO? What sort of
15 things would you tell them?

16 A. The normal contacts that took place in this
17 investigation, by and large, away from the debrief that
18 I've referred to, the normal contact was simply
19 telephone updates from the SCRO fingerprint team to the
20 investigation team, generally to myself directly if
21 available but if not someone else would take information
22 on my behalf. That was the normal course of events.

23 On a number of occasions there were specific
24 priorities. For example, in relation to the money that
25 was taken from Mr Asbury's house, I took steps to supply

1 SCRO fingerprints with the elimination forms of a number
2 of Mr Asbury's associates for checking against prints on
3 the money specifically. So there would also be that
4 type of contact to try and progress/assist SCRO in their
5 work in trying to eliminate all 400 plus marks.

6 Q. I appreciate you telling us in general terms how
7 communications took place and you told us about taking,
8 yourself, steps to supply SCRO with particular
9 elimination forms relating to particular individuals.

10 A. Yes.

11 Q. But I am interested, I suppose, in the sort of
12 information that I think we have learned has come to
13 SCRO regarding other content to the inquiry and I wonder
14 if you could look for me in connection with this at
15 paragraph 81 of your statement.

16 I am sorry, I am afraid I have the wrong part for you.
17 Bear with me for a moment, Mr McAllister; my apologies.

18 If you would look, please, at paragraph 65 -- my
19 apologies for confusing you -- you tell us there, as you
20 told us today, that there were many fingerprints
21 involved in this particular investigation?

22 A. Mmm.

23 Q. You tell us also that you would hear perhaps with just a
24 telephone call when a mark was eliminated. You have
25 also indicated that there was at least one meeting when

1 there would be folk present from a number of bodies you
2 have talked about, but also Mr Macpherson from the
3 Scottish Criminal Record Office, going on to page 21 of
4 your statement here.

5 A. Yes.

6 Q. I think when you were being asked questions by the
7 person who came to take your statement, you were shown a
8 particular document that the Inquiry had that had come
9 in a SCRO case envelope and that was DB0253 which is
10 referred at the end of that paragraph and I wonder if we
11 could have that on the screen for you.

12 I am sorry, I do not think this is the document that
13 we actually require. In any event, I think you were
14 referred to a document where there was information noted
15 about the deceased's family and her working connection
16 with the Bank of Scotland, her habits as to where she
17 slept and what she wore and the description of the house
18 itself.

19 You say that those notes contain an example of the
20 sort of matters that would have been discussed at that
21 meeting. I suppose particularly with the SCRO
22 fingerprint officers in mind, I am wondering why their
23 team in particular needed to have information of this
24 sort of contextual nature.

25 A. Yes, I suppose it's similar in a way to the response I

1 gave in relation to examination of items at the
2 examination room. In a sense, a very simplistic sense,
3 the role of SCRO fingerprint section at that time was
4 simply to compare marks from scenes with marks on
5 elimination forms or some other type of fingerprint form
6 and make the connections.

7 The reality is that because of the sheer volume of
8 marks here, there was a need to try and, if you like,
9 narrow down where they had to look to make eliminations.
10 If I give an example, there were a series of marks on
11 the shower surrounds within the bathroom where Miss Ross
12 was found and clearly these were marks of significance,
13 again in close proximity to her body.

14 I instructed and enquiries were carried out to trace
15 the plumbers who had actually fitted the shower screens
16 which turned out to be some years previously and to
17 identify those individuals, obtain eliminations forms
18 and thereafter submit them to the SCRO fingerprint.

19 So in relation to that series of marks, a clear
20 direction would be given to SCRO that, you know, check
21 these particular elimination forms against those marks.
22 That example sticks in my mind because we did in fact
23 manage to eliminate those quite important marks by
24 reference to the fitters of the bathroom screen.

25 Q. So that is an example of trying to narrow the focus so

1 that perhaps those marks aren't compared against all,
2 however many sets of elimination prints you have
3 available in the investigation?

4 A. Yes, the reality is in excess of 400 marks and
5 potentially many, many more elimination forms. If every
6 single potential elimination form was checked against
7 every single mark, the volume of work would be huge.
8 From efficiency and effectiveness point of view, what
9 was done, because of the volume, was to try and -- not
10 direct SCRO but to give them some guidance as to
11 potentially where eliminations might be found.

12 Q. I appreciate this is perhaps a similar sort of question
13 to one that I asked you earlier about the chaps working
14 away trying to find the fingerprints in the laboratory
15 but one might, I suppose, narrow SCRO's focus simply by
16 saying, "Please compare the marks on the shower screen
17 against this particular list of ten people", without
18 necessarily telling them why?

19 A. Yes, yes, that could be done, yes.

20 Q. You could do that?

21 A. Yes.

22 Q. You don't have to tell them why you are narrowing it
23 down; you could simply narrow it down?

24 A. Yes. I should say from -- I must qualify that and say
25 from my own perspective not being a fingerprint expert,

1 fingerprint experts themselves might answer that they
2 would find value in being able to contextualise a mark
3 in order to do their task in eliminating that mark but
4 as an investigator without any expertise that would be
5 my answer.

6 Q. Just give me a moment, please, to get the correct
7 reference to what it is I would like to show you. My
8 apologies.

9 I would like to show you another document that has
10 been recovered from SCRO papers and I think you have
11 been shown this before, DB0256. I think perhaps you
12 were shown this note when your statement was taken.

13 A. I believe I may have been, yes.

14 Q. That seems to indicate in relation to the tin:

15 "They are hopeful about the tin the money was in.
16 There is an area the same size as the tin on her bedside
17 table, clearly seen with dust around it. Tin recovered
18 at accused's."

19 In particular, I am interested in why it would be that
20 in order to do their jobs properly the SCRO officers
21 would need to have information of this sort.

22 A. I feel I'm repeating myself. I think in one sense -- I
23 mean, clearly this is contextual information that they
24 wouldn't actually need in order to simply examine the
25 tin, recover any latent impressions and thereafter

1 forward them to SCRO for elimination.

2 It's clearly contextual information and certainly
3 appears to emphasise the potential importance of any
4 marks that were recoverable from the tin itself.

5 Q. Because to take, perhaps, an extreme point of view, one
6 might think if one were carrying out an examination and
7 trying to have to compare marks on complex visual items
8 independently, some people might say it might be better
9 if the people doing that didn't know too much about it.

10 Can you say anything about that from the point of view
11 of police procedure and the provision of information of
12 this sort?

13 A. That's a point of view that some people may hold but all
14 I can say in terms of where we were in 1997 is that,
15 under DCI Heath's direction, we were very much into
16 teamwork, we were sharing fairly significant amounts of
17 information with the various elements of the
18 investigation team, including the forensic examiners
19 and, for that matter, fingerprint examiners. So they
20 would have been picking up information coming from the
21 investigators and I should say it's certainly not in my
22 handwriting --

23 Q. No, I didn't mean to suggest it was.

24 A. I haven't seen it previously but it seems to me this is
25 an example of that.

1 Q. We can take that off the screen. You say that is how
2 things were done under Mr Heath's direction in that
3 investigation.

4 You are obviously still a senior police officer,
5 Mr McAllister.

6 A. Yes.

7 Q. In terms of how things like that are done nowadays has
8 anything changed about the provision of
9 contextual information to -- well, I know it's not SCRO
10 Fingerprint Bureau any more but the people who do that
11 job nowadays?

12 A. Yes, I must admit my experience as a Senior
13 Investigating Officer myself is not recent. It's some
14 years since I've headed up a major inquiry.

15 My understanding is that I think we would probably be
16 even more now in a system of sharing information with
17 all the elements of a major investigation. I mean,
18 using the note which you had shown there in terms of the
19 tin, I suppose, in one sense that would simply be to
20 emphasise the potential importance of the tin; in other
21 words, be particularly careful with this tin, using that
22 as one example.

23 We are very much now into sharing information. Our
24 crime scene management itself is much more structured
25 than it was in 1997, much more formalised.

1 MISS CARMICHAEL: Sir, I am probably about to move to a
2 different topic. I wonder if this might be a convenient
3 point at which to break?

4 THE CHAIRMAN: What occurs to me is that Mr McAllister is
5 obviously a very busy person and I do not want to bring
6 him too early on Tuesday because I understand there is a
7 submission -- I have been asked to give leave to one of
8 the Core Participants to make a submission which I
9 simply don't know exactly how long it is going to take.
10 But should we say that it will certainly be 11.00 before
11 we would reach this witness's evidence?

12 MISS CARMICHAEL: On the basis of the limited information
13 that I have about what may happen on Tuesday morning, it
14 certainly wouldn't seem appropriate to ask Mr McAllister
15 to come before 11.00.

16 THE CHAIRMAN: So if by any chance it might be sooner, we
17 will let you know -- certainly no earlier. I am afraid
18 it is possible you might be kept waiting but we cannot
19 tell now. So thank you very much.

20 So 10.15 on Tuesday.

21 MISS CARMICHAEL: Yes, sir.

22 **(2.55 pm)**

23 **(Adjourned until 10.15 am on Tuesday, 16th June 2009)**

24

25