

1 (1.50 pm)

2 MR MOYNIHAN: Mr Rennison, just before we finish that  
3 particular chapter and move on to something else, you  
4 have mentioned just when you have been speaking of the  
5 need for strategic thinking.

6 We've covered the areas that Mr Kent had raised and  
7 you have given us your opinion. What do you think is  
8 required by way of a response to these? Is it simply  
9 something isolated to any particular issue of concern in  
10 fingerprints or is it some broader concern you are  
11 referring to when you say there's a need for strategic  
12 thinking?

13 A. I think there's a broader issue, sir, and I've mentioned  
14 it in my report. We are where we are with the Quality  
15 Standards Framework for Forensic Science and I will  
16 describe it as a sort of good old fashioned British ad  
17 hoc-racy that's got us where we are and there has been a  
18 sort of ad hoc approach or different approaches to  
19 managing quality standards and I think the overarching  
20 solution to that and other issues is for a proper  
21 strategy board at senior Government official level, in  
22 fact, with ministerial oversight, to really manage the  
23 direction of forensic science and I think there should  
24 be a subgroup below that, that manages risk.

25 I think there are a number of risks out there that

1 have not been properly assessed and managed at the  
2 moment, particularly where we have a commercial market,  
3 as in England and Wales, particularly in the current  
4 environment would be a good example, the economic  
5 environment.

6 So I have persuaded the Home Office and senior  
7 officials there that we have to have a strategy board  
8 which they have now agreed to hold and it is beginning  
9 to meet and is able to assess issues at the highest  
10 level. I'm now recommending that the Scottish  
11 authorities and the Northern Irish authorities should  
12 also be invited onto that so that we have a UK-wide  
13 strategy board for forensic science, and in due course  
14 I'd like to see the publication of a coherent strategy  
15 for the future of forensic science.

16 Q. If I can move from what we have been discussing about  
17 the general concerns surrounding subjective opinion and  
18 move into the court forum, to what extent do you feel  
19 that the lawyers and the court in general has a  
20 realistic expectation of practitioners in essentially a  
21 subjective field?

22 A. I think it's a very difficult area at the moment. A  
23 very common complaint brought to me through my various  
24 groups is one around education of the judiciary and  
25 lawyers and others around an understanding of forensic

1 science. I have taken it up with the Judicial Studies  
2 Board but I think it is an area where we could do more  
3 work to really help people understand what science can  
4 and can't do and what we should expect of it and how it  
5 perhaps could be managed in some difficult cases.

6 Q. Looking specifically at fingerprint evidence, we have  
7 touched on already the absolutist proposition that a  
8 fingerprint officer is either 100 per cent certain or he  
9 does not give evidence of any degree of identity.

10 Is that something you yourself perceive to be a  
11 realistic approach if that's what the legal system  
12 expects of a fingerprint practitioner?

13 A. Sir, I give my answer as somebody who is not a  
14 fingerprint expert but I come at this, I think, with a  
15 sort of objective view of things and I do find it odd  
16 that fingerprint experts are expected to give this  
17 absolute yes or no answer and that there is no room for  
18 doubt or the "gray area" I think you called it.

19 I think we should aim towards a future that allows  
20 for some of that and allows an opinion to be on the  
21 basis of perhaps some probabilities, and if we can get  
22 the statistics behind that I think that is achievable,  
23 which I think would have real benefits for the  
24 investigation of cases in the future because I think one  
25 risk with the absolute method is that actually you are

1            throwing out potentially good evidence on occasions or  
2            useful evidence and if that evidence could be presented  
3            in a way that gives it some proper weight or  
4            understanding rather than this categoric yes or no, then  
5            I think we have a better future. It works in other  
6            arenas. We use probabilistics around DNA, we're using  
7            it in more and more areas and people have grown to  
8            understand it.

9        Q.    If we can then move into the probabilistics and just  
10        take that relatively briefly, I've an understanding that  
11        there have been some models of probabilistic  
12        presentation of fingerprint evidence that have been  
13        suggested or developed in England but are not yet being  
14        used in court. Would that be correct?

15        A.    That is correct. I've had one system demonstrated to me  
16        twice now. My involvement in that is to guide -- it's  
17        the Forensic Science Service -- to guide them and advise  
18        them on their validation plan because it got rather  
19        stuck at one point and we're working our way through  
20        that.

21                I think we have to open the doors to that sort of  
22        methodology in the future and accept -- one argument  
23        that is put to me is that using probabilistic  
24        methodology we can't have that at the same time as  
25        traditional fingerprint methodology. I think there's

1 plenty of room for both and I think when you allow the  
2 probabilistic route to open up, to be evaluated, to be  
3 properly validated and assessed alongside perhaps  
4 improvements to be made in the current methodology it  
5 leaves the door open for both to be used in the future.

6 I do like the notion of presenting evidence on the  
7 basis of a probability because it also, I think, in the  
8 future would allow us to have different sources of  
9 evidence, all based on probabilities and you can  
10 actually start comparing the probabilities and actually  
11 start adding or multiplying them together so actually  
12 evidence can build on evidence from different forensic  
13 disciplines so there are, I think, some quite exciting  
14 potential in that in the future.

15 Q. What are the issues that currently prevent this  
16 technology or methodology being applied in court? Is it  
17 simply it requires to go through a validation process?

18 A. Yes. It's getting it to the stage where it can be used  
19 on live data and there was a slight hold-up there but we  
20 are working our way through that and I think there is a  
21 strategic decision to be made here whether we do allow  
22 this sort of methodology and that sits outside of my  
23 remit. I think that's the sort of thing the Strategic  
24 Board should be addressing.

25 Q. If I move then to another topic: the question of

1 complaints.

2 A. Yes.

3 Q. You mentioned how you have yourself taken on an element  
4 of the complaints function.

5 A. Yes.

6 Q. Is that something that you see of relevance to forensic  
7 science disciplines?

8 A. Yes. Sir, one of my roles is to investigate complaints  
9 about quality standards in forensic science and I  
10 published in my manual of regulation a chapter  
11 explaining exactly what that means and what it doesn't  
12 mean. It doesn't mean I investigate complaints about  
13 scientists or organisations. I investigate complaints  
14 about breakdowns in quality or concerns about the  
15 validity of science being used in forensic science.

16 So I have undertaken two such investigations, one in  
17 the use of low template DNA technology and that resulted  
18 in the Caddy Review published last year and I've  
19 undertaken one investigation into the science behind the  
20 analysis of controlled drugs on currency, which will be  
21 published soon.

22 Q. Do you see that as a valuable area, as an aspect of a  
23 regulatory function or regime?

24 A. Yes. It's a mechanism for people to raise concerns  
25 about quality and for me then to decide whether we do

1 need to investigate and to perhaps report to Ministers  
2 and others in due course. It's also a methodology  
3 whereby we can actually, if it works properly, deal with  
4 issues before they become too ingrained or too  
5 problematic. I'm beginning to open the doors to some  
6 form of whistle-blowing methodology as well so we can  
7 raise concerns from people within the forensic science  
8 arena who might want to address issues directly with me  
9 that concern them but they can't go through the normal  
10 hierarchy to do that.

11 Q. The final piece I wanted to ask you about is something  
12 that I haven't touched upon so far and that's to look at  
13 practitioner regulation.

14 A. Yes.

15 Q. We talked about organisation, practitioner and then  
16 methodology. I've covered organisation and I think I  
17 said as much as I want to ask you about the methodology  
18 of fingerprint. What I have overlooked is the  
19 practitioner level.

20 You were writing your report at the time that the  
21 CRFP was about to go into terminal decline and to cease.  
22 You explain in your report that it was an essential part  
23 of UK Government thinking that forensic science would be  
24 regulated through the accreditation of the individual  
25 practitioners.

1 A. Yes.

2 Q. And the Council for Forensic Practitioners was the core  
3 of that policy. That Council has now ceased to operate.

4 Has the focus for regulation now shifted on to  
5 organisations or is this a gap that has yet to be  
6 addressed?

7 A. I could -- forgive me -- I could do you an hour's  
8 presentation on the history to this and how it all came  
9 about but I will be as quick as I can.

10 When I came into post, it was fairly clear to me --  
11 this was February last year, sir -- it was fairly clear  
12 to me that the Council for the Registration of Forensic  
13 Practitioners (CRFP, as it is commonly known) was not  
14 meeting its objectives and those objectives had been set  
15 about ten years earlier as a means of assessing  
16 practitioner competence and through that placing people  
17 on the register. And the original target was to  
18 register the vast majority of forensic practitioners, be  
19 they crime scene investigators, scientists, fingerprint  
20 experts. The original figure was set at close to 10.5  
21 thousand people.

22 Back in, sort of, I guess, about 2007 -- sorry, 2004  
23 they reached about 1,200 registered practitioners and by  
24 then they were supposed to become self-financing as a  
25 regulatory body through subscriptions and fees but they

1 were way off the mark. So there was a detailed review  
2 in 2004/2005 at which point the Home Office agreed to  
3 fund them further but made it very, very clear that they  
4 had to be self-financing by the end of the financial  
5 year 2010. So March end of March 2010.

6 When I came into post they wrote a letter to me and  
7 the Home Secretary saying, "We will never achieve that.  
8 We're not going to hit our targets. Could you extend  
9 our grant in aid, please". So I recommended to the  
10 Minister, Meg Hillier, that she actually invited me  
11 to conduct a review because clearly they were never  
12 going to achieve their objectives and it was providing  
13 what I described as a comfort blanket around quality  
14 standards that actually gave no-one any real warmth or  
15 support if you looked at it in detail because probably  
16 fractionally less than 30 percent of the practitioner  
17 population was registered. By March last year they got  
18 that figure up to 3,000 people. So it left  
19 enormous gaps in the number of practitioners that were  
20 registered and regulated through that route.

21 The largest population within those that were  
22 registered were the police practitioners, the  
23 fingerprint experts and the crime scene investigators  
24 and they made up about 71 per cent of the database.  
25 Quite frankly, I don't think it was really set up for

1           them. It was more set up for the scientists in the  
2           laboratories but the police were propping this up  
3           through their membership.

4           Then when I looked at the accreditation model  
5           through United Kingdom Accreditation Service, I realised  
6           that practitioner competence as managed by the register  
7           was dealt with through accreditation anyway. So the  
8           forensic scientists that were registered were also  
9           assessed through the accreditation process to a higher  
10          level. One of the jobs of a regulator is to peel away  
11          unnecessary regulation. Certainly for forensic  
12          scientists and their laboratories it was an unnecessary  
13          layer of regulation. So I proposed the  
14          accreditation model and the Association of Chief Police  
15          Officers and the Chief Executive of the National Police  
16          Improvement Agency agreed with my ideas at which point  
17          the police then backed away from CRFP. So instead of  
18          looking to achieve increased numbers of registration it  
19          was going to rapidly decrease and the funding just  
20          didn't work. So the CRFP Board had no option, because  
21          they were operating as a company limited by guarantee,  
22          had no option but to wind up the company.

23          Before we allowed that to happen I did consider the  
24          issue and consulted with the Crown Prosecution Service  
25          and other experts that advised me and said is there a

1 risk to the criminal justice system if that happens and  
2 I reached the conclusion there was no risk at all.

3 Take, for example, fingerprint experts. On the  
4 figures that CRFP gave me probably about 55 per cent of  
5 the experts across the UK were actually registered and  
6 nobody ever raised a risk around those that weren't  
7 registered. So as a regulatory mechanism it wasn't  
8 achieving anything and there was a better way of dealing  
9 with it and, in my view, it doesn't leave a gap.

10 Q. Sorry, in your view ...?

11 A. It doesn't leave a gap.

12 Q. Does not.

13 A. On one level -- there are probably about 300 people that  
14 are on the register who are what we call the occasional  
15 experts, the forensic archaeologists or  
16 the entomologists, usually based in universities, who do  
17 gain some benefit from registration with a body like  
18 that. But I've always argued that's a job for the  
19 professional body, ie the Forensic Science Society, to  
20 manage and they have picked up that baton and they are  
21 at my conference tomorrow presenting an area of  
22 membership within their Society which would allow people  
23 to register as competent practitioners. But it's not  
24 designed for the bulk of forensic practitioners who  
25 would be through the accreditation route.

1 Q. Just to be clear, as you say, subject to certain  
2 specialists perhaps within universities for whom there  
3 is no professional body, you would see the quality  
4 assurance through organisations such as SPSA --

5 A. Yes.

6 Q. -- as a better route for the regulation of practitioners  
7 than a stand-alone professional body for them?

8 A. Yes, accreditation is a far superior route. It is far  
9 more testing. It recognises those three key levels you  
10 brought out earlier, which of course is the  
11 organisation, the practitioner and the validity of  
12 methods. It recognises the interlinks between those and  
13 it is the way forward and it is the European model as  
14 well that is now emerging.

15 MR MOYNIHAN: Thank you very much, Mr Rennison. I have no  
16 further questions, sir.

17 THE CHAIRMAN: Are there any applications?

18 MR SMITH: Sir, there is one matter I would like to ask. It  
19 relates to the question of opinion being given. The  
20 witness, as I understand, has indicated that a lot of  
21 matters relate to just the experts' opinion but I would  
22 like to ask the difference between a positive and  
23 negative opinion, whether that makes any difference.

24 THE CHAIRMAN: Very good.

25 MR SMITH: Thank you.

1 **Cross-examined by MR SMITH**

2 Q. Mr Rennison, I think you indicated that undoubtedly when  
3 someone is giving evidence, if we take fingerprints as  
4 an example, if they were to say, "This is the  
5 fingerprint of Mr X", then undoubtedly that could be a  
6 matter of professional opinion.

7 A. Yes.

8 Q. Suppose that an expert says, "That is definitely not the  
9 fingerprint of Mr X", I take it you will accept that  
10 could be entirely factual?

11 A. Yes, it could be an opinion as well, yes.

12 Q. I'm just imagining if one looks at fingerprints and I  
13 recognise we possibly know a little more about the  
14 detail than you do but if it is so obviously totally and  
15 utterly different, then it's not really then a matter of  
16 opinion as such, it's just a question of fact, isn't it?

17 A. It could be, yes, yes. But I can't comment on specifics  
18 but of course it would be, yes.

19 Q. I am concerned if you were to suggest that in all  
20 circumstances it's really a matter of opinion that's  
21 been given. I think an example given in the criminal  
22 trial of Shirley McKie by defence counsel was that if an  
23 elephant walks into the room and someone says, "Well,  
24 that's an elephant", and somebody else says, "No, it's  
25 not, it's a bus. I can see a bus", there must be some

1 circumstances where it's not a matter of opinion. It's  
2 just so obvious that there is a difference you would  
3 accept that that could be the position?

4 A. That can be the position, yes.

5 Q. Where it may be a matter of opinion is if an expert's  
6 faced with an unknown print and two possibles and one  
7 says, "I think it's Mr X", and one says, "I think it's  
8 Mr Y", we can see there could be an ongoing difference  
9 of opinion in a positive sense?

10 A. Yes, and you find in many other areas there  
11 are regular differences of opinion by experts and that's  
12 one for the courts to juggle with.

13 MR SMITH: Of course. Thank you very much.

14 THE CHAIRMAN: Mr Holmes?

15 MR HOLMES: No application, sir.

16 THE CHAIRMAN: I should maybe ask you last, Miss Jones, in  
17 case -- Miss Grahame, have you any application?

18 MISS GRAHAME: I have no application, sir.

19 MISS JONES: Just one question I think, sir, in relation to  
20 the accreditation issue.

21 THE CHAIRMAN: Yes.

22 **Cross-examined by MISS JONES**

23 Q. Mr Rennison, you said in evidence that you thought SPSA  
24 was leading the way in relation to accreditation, I  
25 think you were talking about the context of ISO17025.

1            Could you expand on that and explain in what respect you  
2            meant that.

3        A.    Firstly, I was very glad to be invited up to Scotland a  
4            couple of months ago to do a presentation to the SPSA  
5            and a room full of their experts on my standards model  
6            and the benefits of accreditation and they used that as  
7            a means of consulting with their staff about the future  
8            of accreditation.

9            It was a chance for me to explain the future as I  
10           saw it. Since then I have learnt they have applied for  
11           accreditation for their fingerprint work and, in fact, I  
12           was meeting with their Quality Manager yesterday to  
13           discuss that. I'm very pleased with the progress they  
14           are making and also they have applied for accreditation  
15           for their crime scene investigation work.

16           Of course, it's a different model in Scotland so the  
17           SPSA have control of all of those arenas anyway so it's  
18           easier for them to do it but they will be the first  
19           police/forensic authority in the UK to have  
20           accreditation to 17025 and 17020 for all of their  
21           forensic investigations. So in that sense they are  
22           leading the way and, in fact, it's a supreme opportunity  
23           for me and the United Kingdom Accreditation Service to  
24           pilot some of these standards and the enhancements we  
25           are making to it.

1 Q. In relation to any of the individual laboratories are  
2 you aware of whether any of the individual laboratories  
3 have achieved particular levels of accreditation --

4 A. I don't know the answer to that.

5 Q. -- or is that something that everyone is working towards  
6 together.

7 The only other question I wanted to ask you about  
8 was you gave you some evidence about the statistical  
9 work that's being done.

10 Are you aware that SPSA is funding a member of staff  
11 to do an MSC on probability -- I'm not sure the exact  
12 title but in the area of probability methodology?

13 A. I wasn't aware of that.

14 Q. In your opinion, do you think that might assist dealing  
15 with the concerns that have been expressed about the  
16 area of statistics?

17 A. It certainly could do, yes.

18 MISS JONES: That was all I have.

19 MR MOYNIHAN: No further questions, sir.

20 THE CHAIRMAN: Just before we let you get on your way, like  
21 you, I have experienced in other fields of forensic  
22 science experts expressing their opinions on highly  
23 probable, probable and sometimes possible in, for  
24 example, fibres and evidence about items like that.

25 Have you ever discovered in the course of your work

1            why fingerprint experts were expected to express their  
2            opinion in such firm terms?

3        A.    I think it's just tradition. I think that's just the  
4            way it's always been done and I think if we took a  
5            proper strategic approach to these things we would  
6            actually challenge some of those traditions and those  
7            ways of doing things because, you know, proper science  
8            should always allow you to challenge things and find  
9            better ways of doing things and we shouldn't be shy of  
10          that.

11       THE CHAIRMAN:    It's easier to blame the courts for wanting  
12            proof beyond reasonable doubt but in the examples you  
13            gave and we have just discussed the courts have accepted  
14            evidence on the terms that I just described.

15       A.    Yes.

16       THE CHAIRMAN:    Thank you very much. I am grateful to you  
17            for giving time to come and talk to us and I hope that  
18            the work of the Inquiry may even assist you in return at  
19            some stage.

20       A.    I look forward to your final report, sir.

21       THE CHAIRMAN:    I think I do too. Thank you very much.

22       A.    Can I say thank you for fitting me in as well because it  
23            gives me the chance to get away this afternoon so I am  
24            very grateful for that.

25       THE CHAIRMAN:    Thank you.

1 **(The witness withdrew)**

2 THE CHAIRMAN: Now, Mr Sheppard, if you would like to come  
3 back.

4 **GEOFFREY ARTHUR SHEPPARD**

5 THE CHAIRMAN: I am not quite sure where we got to on the  
6 points you raised that you said you wanted to deal with.

7 MR SMITH: Sir, I want to move on to deal with Q12.

8 THE CHAIRMAN: Yes, Q12.

9 **Cross-examined by MR SMITH (continued)**

10 Q. Mr Sheppard, I would like to look at CO0032 we were  
11 looking at before we took a break from your evidence.

12 Can we go to the second page of that document  
13 please. We can see towards the bottom of the page in  
14 the third last paragraph we can see that what is said in  
15 the statement is:

16 "I have also examined a photograph of impression  
17 Q12. I have compared this with the right forefinger of  
18 Marion Ross and I am satisfied that the impression was  
19 not made by this digit."

20 I would like to read on through the statement. What  
21 you say is:

22 "When you examine the photograph your eye is  
23 immediately drawn to the centre where you can see the  
24 core with a lake and a bifurcation immediately to the  
25 right of the core."

1                   You explain:

2                   "I have seen the enlargement of the right fore  
3                   finger of Marion Ross and the enlargement of the  
4                   photographed impression [you give the number of it]  
5                   Q12 used in the David Asbury trial. I note that SCRO  
6                   claiming to have found 16 common characteristics.  
7                   Points 1, 16 and 10 are 'blobs' in the core. I do not  
8                   think these are identifiable from the photograph of the  
9                   impression."

10                  I take it by "blobs", you just mean a mark you can't  
11                  make anything of?

12    A.    Absolutely -- probably contamination.

13    Q.    I see, just contamination rather than any identifiable  
14           feature?

15    A.    I think so, yes.

16    Q.    I think you then go on to say:

17                  "The bifurcation immediately to the right of the  
18                  core on the SCRO chart is the wrong shape and is in the  
19                  wrong place.

20                  "Characteristics numbered 3 to 9 are in an area of  
21                  the impression from which it is almost impossible to  
22                  draw any conclusions. Characteristics 11 to 16 are in  
23                  an area where there is clear superimposition and from  
24                  which I think it is impossible to draw any conclusions.  
25                  Most telling of all, this clearly a ridge ending above

1 the core of the photographed impression and yet there is  
2 no such ridge ending on the fingerprint of Marion Ross.  
3 It is almost impossible to understand how the SCRO  
4 fingerprint experts could have ignored this ridge  
5 ending. In my opinion, the 16 points are not there and  
6 have been deliberately made to fit. The lake in the  
7 core, the bifurcation to right of the core and the ridge  
8 ending above the core are the only clear points on the  
9 photographed impression and yet the bifurcation is in  
10 the wrong place and is the wrong shape on the  
11 fingerprint of Marion Ross and the ridge ending is not  
12 present. The lake is the only point which may be  
13 present but I do not think SCRO were entitled to count  
14 that as involving three common characteristics. At best  
15 there would only be one characteristic capable of  
16 identification.

17 "Once again I find it difficult to understand how  
18 the SCRO experts could have made such mistakes. This is  
19 either incompetence or they were deliberately attempting  
20 to strengthen the case against David Asbury."

21 Now, I don't need to trouble you with the detail  
22 but, again, they are strong words, Mr Sheppard, there,  
23 particularly at the end.

24 Do you adhere to that view just now?

25 A. Yes, I do. Nothing to the contrary has happened or that

1 I have heard of to make me change that opinion.

2 Q. I think just to explain I think we heard some evidence  
3 that some Danish experts looked at this particular print  
4 and they were also -- I think the indication was that  
5 they were more than a little surprised that they had  
6 made the match. The way you put it at the end of this  
7 report suggests perhaps deliberately, on one view  
8 deliberately, attempting to strengthen the case against  
9 David Asbury.

10 You use the phrase, "trying to deliberately make it  
11 fit". Again, are you sticking with that position?

12 A. Yes, I have to stick with that because I've heard  
13 nothing to the contrary to make me change my opinion.

14 Q. Could there be any possibility there was just a terrible  
15 mistake made in your view by the SCRO officers?

16 A. I think initially, yes, quite possible. But then that  
17 mistake was compounded by a series of events that really  
18 are beyond description.

19 Q. I suppose something that you have maybe taken on board  
20 thus far is that you have severe criticism over the Y7  
21 issue which may have been a mistake first off and then  
22 been revisited?

23 A. Yes.

24 Q. But within the same murder case we have, to an extent,  
25 the same core of people coming to an incorrect

1 conclusion about another fingerprint.

2 A. Yes.

3 Q. That again you are very critical of?

4 A. Yes.

5 Q. Do you see any significance in the combination of these  
6 two terrible mistakes perhaps arising in one case? Is  
7 that something that you have any comment on?

8 A. Other than I've never experienced anything like it in  
9 40 years of fingerprint practice.

10 I think if I might explain one of the reasons for my  
11 supposed strong language, for the last ten years of my  
12 service I was teaching best practice to all fingerprint  
13 bureaux in England and Wales, Northern Ireland and  
14 overseas and when you've taught best practice and you  
15 instilled it into people, to see errors of this  
16 magnitude appear, then there's no other way I could  
17 explain it without using rather strong terminology.

18 Q. Can we go to CO1318, please, and can you flick through.

19 I think we possibly looked at this earlier with  
20 Mr Moynihan but didn't go into a great deal of detail  
21 with it. We can see what this is and I think it you  
22 have already explained what the document is. But in the  
23 first paragraph I think we can see that you went on to  
24 explain the detail, the key points, and says how you  
25 demonstrated in some detail how Y7 was not the

1 fingerprint of Shirley McKie and so on and so forth and  
2 you indicate the SCRO view was erroneous, I think is how  
3 it was put at the end of that.

4 In the second paragraph there's a reference to what  
5 is described as collective manipulation of the evidence  
6 and great concern in relation to presentation of the  
7 evidence and so on and you have covered that.

8 Can you go on to the next page, please. The third  
9 paragraph is:

10 "Collective collusion to identify Shirley McKie's  
11 fingerprint. In light of the obvious findings of  
12 Mr Sheppard and his two colleagues at Durham, they were  
13 of the view that such was the standard of evidence  
14 produced for the court and the obvious differences in  
15 the fingerprint impressions that those involved in the  
16 identification must have colluded to have made this  
17 identification which, in his view, simply was not  
18 there."

19 Going on:

20 "General discussion ensued regarding the findings of  
21 Mr Sheppard and his colleagues and the implications for  
22 SCRO. Mr Sheppard was advised that as a result of the  
23 report Mr Sheppard and his colleagues may be required to  
24 appear as a witness in any subsequent case against  
25 individuals if that was the Crown decision to do so."

1                   Can I take it from that last paragraph and the stuff  
2                   that is above it that you understood that it was being  
3                   actively considered that there may be -- may be --  
4                   conduct verging on the criminal or criminal conduct on  
5                   the part of those within SCRO?

6       A.    I was, in that when I first met Detective Chief  
7            Superintendent Robertson, Scott Robertson, he explained  
8            what was happening in Scotland, that there were two  
9            forms of inquiry. His was a criminal inquiry really  
10           reviewing the whole criminal investigation and there was  
11           another team under, I think, Central Scotland's Deputy  
12           Chief Constable looking at procedures and practices. So  
13           I was aware of, you know, the criminal intent right at  
14           the outset.

15       Q.   I think -- sorry to interrupt I think we have a problem  
16           with the LiveNote. **(Pause)**

17           I wonder if I could, if I may, go on to ask you  
18           about the question of the Internet image that was being  
19           used by some individuals as compared to the image used  
20           originally by SCRO.

21           Now, as I understand it -- and no doubt I will be  
22           corrected if I'm wrong about this -- I think a  
23           suggestion has been made at some stage that because SCRO  
24           had the original, as it were, they examined the  
25           original. Anyone who is coming along and looking at it

1 subsequent that had the mark across it, this possibly a  
2 brush mark or something like that, that they were not  
3 able effectively to comment on the original SCRO  
4 examination.

5 Generally speaking, do you have a comment about  
6 that?

7 A. I know there was -- I personally didn't look at the  
8 Internet mark and the mark on it and the comments that  
9 were being provided from around the world, it would  
10 seem. So I really don't know.

11 I purposely didn't go on the Internet and look at  
12 what was being said, thought about or what was being  
13 presented.

14 Q. You subsequently saw Pat Wertheim's presentation, a  
15 photograph that he took?

16 A. Yes, we were given a copy of that, yes.

17 Q. Did you have any difficulty in recognising that that was  
18 Y7, the Y7 that you had looked at before?

19 A. No.

20 Q. I would like you to look at, really for your comment on  
21 this paragraph on the statements, a statement if Fiona  
22 McBride to the Inquiry, FI0039 at paragraph 137 please.

23 At 137 we can see that she comments on giving  
24 evidence at the trial:

25 "As I was giving evidence in cross-examination I was

1 shown a defence production photograph that was said to  
2 be of Y7. I understand that the photograph was taken by  
3 Pat Wertheim. I did not recognise it as a photograph of  
4 Y7. There were striations or white lines across it. It  
5 was as though someone had drawn a Scene of Crime  
6 examiner's brush over the mark. In any event, it  
7 transpired that the mark had been damaged before the  
8 photograph was taken by Pat Wertheim. At the time when  
9 presented with the photograph I was confused. I did not  
10 even think it was the same mark. I know that Terry Kent  
11 had taken photographs of the mark and his photographs  
12 showed no such lines. The question of damage to the  
13 mark was raised as an issue at Justice 1 [that's the  
14 Parliamentary Inquiry]. I understand Pat Wertheim  
15 examined the mark at some time after Terry Kent. Pat  
16 Wertheim has stated to Justice 1 that it was in that  
17 state when he examined it and that he did not report it  
18 to the court officer. Pat Wertheim has subsequently  
19 tried to refute the extent of the damage on a website  
20 known as CLPEX. This contradicts his earlier evidence."

21 I am interested in the first part of that. The  
22 suggestion by Miss McBride seems to be that, as I  
23 understand it, because of the damage to the mark she had  
24 difficulty even recognising it as Y7.

25 Do you have any comment on that?

1 A. No comment, other than I find that quite amazing. When  
2 the mark or the actual wooden doorframe came to Durham,  
3 it had allegedly been damaged as you just referred to  
4 but it didn't make any difference. You could still see  
5 it for what it was. So, no, the damage as  
6 insignificant.

7 Q. I would like to move on to ask you a bit about some  
8 matters stated by Mr Alister Geddes in his evidence  
9 before this Inquiry.

10 Before going to that, I would like to ask you  
11 this: suppose that you examine a mark and compare it  
12 against an inked fingerprint and you find a number of  
13 points that appear to be in agreement but you find a  
14 point that is in disagreement that cannot be explained  
15 away.

16 Is there any conclusion that you could draw from  
17 that?

18 A. That it's not identical. That would be the only  
19 conclusion.

20 Q. You see, the reason I ask this is that, as I understand  
21 Mr Geddes' evidence -- and for those who have access to  
22 LiveNote this is page 22, line 10 -- I asked him a  
23 question:

24 "So I want to be clear -- last question on this if I  
25 may -- are you saying that even if there was a

1 difference, say a ridge ending wasn't there, you think  
2 there could still be a match between the known and  
3 unknown is that right?"

4 And he said:

5 "Almost definitely, depending on the balance of  
6 information you have."

7 So what he is doing is saying if there is sufficient  
8 other information, even if there is something like a  
9 ridge ending that is not there in the inked print you  
10 could still say it's a match. Do you disagree with  
11 that?

12 A. I disagree with that, in that the common practice and  
13 the common application of rules, although not written  
14 down rules, is that to provide evidence in a court of  
15 law you must provide 16 ridge characteristics in  
16 coincident sequence with none in disagreement.

17 Q. Have you heard of SWGFST, I think it is known as --  
18 S-W-G-F-S-T?

19 A. Yes, I've heard of it. I don't know very much about it.

20 Q. You don't know much about it?

21 A. Not at all.

22 Q. If I was to suggest to you that there are a number of  
23 possible results from a fingerprint analysis, if you are  
24 looking at a latent against an inked mark, one is, if  
25 one puts it this way, in my opinion there is a match

1           between the two, they are of common authorship; the  
2           second is they are not of common authorship; and the  
3           third is there is insufficient detail for comment one  
4           way or the other. Are these broadly three acceptable  
5           characteristics?

6       A.    Yes.

7       Q.    Would you agree with the suggestion that if there is a  
8           difference between the two, unless a valid explanation  
9           can be given, I suppose, for example, an overlay from  
10          another print or something or some kind of distortion,  
11          then the only conclusion that can reasonably be drawn is  
12          that these two fingerprints are not of common  
13          authorship?

14     A.    Absolutely.

15     Q.    Therefore, I suppose it would be hard to imagine it  
16          theoretically but if you have 16 or 17 or 18 points in  
17          apparent agreement but one very clear one that is in  
18          disagreement you would still have to conclude this is  
19          not a match between the two?

20     A.    Absolutely.

21     MR SMITH:   Thank you very much.

22     THE CHAIRMAN:   Thank you.

23     MR HOLMES:   Thank you, sir. There are five matters that I  
24          would want to cover with Mr Sheppard. The first relates  
25          to the courses that were mentioned this morning that he



1 one-week courses provided for UK experts. He provided  
2 all the photographs that were used on those four  
3 courses. So he arrived with -- I don't know -- hundreds  
4 I have to say, of images and fingerprints on a laptop  
5 computer. So how he obtained it I really have no idea.

6 At that time I wasn't aware it was even Y7. There  
7 were no indications on any of the photographs  
8 whatsoever. He suggested how they would be paired off  
9 and presented to the experts attending the courses and  
10 Allan Bayle and myself either concurred or disagreed and  
11 thought, well, that photograph would be a better test of  
12 the experts' abilities.

13 Q. And you have no idea where he obtained the photograph?

14 A. I've no idea whatsoever.

15 Q. Do you recall whether the image produced was the version  
16 with or without the damage to it?

17 A. I really have no idea. It was one of hundreds of  
18 photographs that I looked at and then were compared by  
19 the various experts who attended on these four courses.

20 Q. Was there a known mark that you were comparing each  
21 photograph to or a number of known marks that the  
22 students were comparing each photograph to on those  
23 courses?

24 A. There was no identification on any photograph  
25 whatsoever. They were offered to Allan Bayle and myself

1 as pairs. Did we think those suitable for an analysis  
2 and comparison by the experts who were attending? So  
3 the photographs of fingerprints meant absolutely nothing  
4 to me nor to Allan Bayle, I have to say, and the  
5 photographs of the scene of crimes marks meant nothing  
6 to us either.

7 Q. So again you wouldn't know the origin of the  
8 comparison print that was paired up with Y7 --

9 A. I have no idea. I don't know.

10 Q. Can you confirm that at some stage during these courses  
11 Mr Ashbaugh referred to Y7 in particular as "Pat's  
12 mark"?

13 A. He might well have done. I don't remember it called  
14 that at all.

15 Q. What would that mean to you if he had done?

16 A. Pat Wertheim.

17 Q. If it's indicating Pat Wertheim, would that perhaps mean  
18 that it had been a mark that had been produced by  
19 Mr Wertheim or provided by him?

20 A. It could well be. It really didn't register with me, if  
21 he even said that. But if he did say it then it really  
22 went straight over my head. I didn't see the  
23 significance of it.

24 Q. You go on to state in that paragraph that Y7 formed what  
25 you call an insignificant part of the material for the

1 course. How is it that one mark in particular becomes  
2 less significant on that course than any others do.

3 A. Less significant?

4 Q. Yes.

5 A. It was one of many. I mean, we had four one-week  
6 courses attended by at least 20 experts from bureaux  
7 from around the United Kingdom. We never used the same  
8 photographs twice in that we didn't want the first  
9 week's people going back wherever they were and  
10 discussing what they had seen and what conclusions they  
11 had drawn. So we had a fantastic number or he provided  
12 a fantastic number of photographs, none of which had any  
13 relevance in an identification process. Ashbaugh was  
14 dealing purely and simply with third level detail which  
15 he believed was new to the United Kingdom.

16 Q. Is it, therefore, an unfortunate coincidence that mark  
17 Y7 made an appearance in the course that Mr Dunbar was  
18 attending?

19 A. Certainly as far as I was concerned it was purely and  
20 simply a coincidence. Now, whether David Ashbaugh had  
21 engineered things in that way, then I really couldn't  
22 say.

23 Q. You have said in your evidence that you recall  
24 Mr Dunbar voicing some concerns about the appearance of  
25 mark Y7 in such a course?

1 A. I became aware of it. I wasn't party to the actual  
2 conversation but I was certainly on the periphery of  
3 that conversation.

4 Q. If Mr Dunbar gives evidence that it was to you his  
5 concerns were voiced, do you have reason to doubt that?

6 A. I wouldn't say he was lying but I certainly don't  
7 remember the incident.

8 Q. Moving on to the work that you did for the Mackay team,  
9 paragraph 17 of your statement first mentions that. Did  
10 you as part of the work that you undertook for the  
11 Mackay team compare Y7 against anyone's known  
12 fingerprints other than Ms McKie?

13 A. We ended up comparing Y7 and QI2 with, I think,  
14 something approaching 300 sets of fingerprints.

15 Q. It's perhaps unfair to ask then, do you recall a  
16 particular individual against whom Y7 was compared by  
17 the name of Gary Gray?

18 A. No. That name has been mentioned to me prior to my  
19 arrival here and other than it was a name on a list it  
20 meant absolutely nothing to me.

21 Q. Paragraph 81 of your statement suggests that you will  
22 have compared Y7 against Gary Gray?

23 A. If his name was on the list and we had his fingerprints  
24 then, yes, it would have been compared.

25 Q. Would Mr Gray have been eliminated as a possible donor

1 of Y7?

2 A. No, he wasn't. Nobody was.

3 Q. Where then did the Mackay team come up with the notion  
4 that Mr Gray had been excluded as the donor of Y7?

5 A. I have no idea.

6 Q. Paragraph 30 of your statement mentions the meeting on  
7 20th July 2000 at which you were instructed first to  
8 compare Y7 against Ms McKie's fingerprints.

9 Do you recall what was discussed at that meeting?

10 A. Briefly, yes.

11 Q. Were you aware at that meeting or were you aware as a  
12 the result of the discussions that took place at that  
13 meeting that the identification of Y7 was alleged to  
14 have been in error?

15 A. Not that I recall.

16 Q. What were your instructions at that meeting?

17 A. To review the whole of the SCRO applications, compare Y7  
18 with a list of elimination fingerprints put forward to  
19 us and I asked, purely in the preparation of this  
20 exercise, how many were likely to get and I was told  
21 about 30 to 35. So in planning the work that we were  
22 proposing to do which had to be done outside of our core  
23 training time, it seemed very achievable and achievable  
24 in a short space of time.

25 Subsequently from Scott Robertson we hear there's

1 another batch of fingerprints coming down and it felt as  
2 though we were inundated with them.

3 Q. When did you first become aware that the identification  
4 of Y7 is or was alleged to have been in error?

5 A. I held no opinion until we started our own scrutiny of  
6 Y7 and our comparison process, as we were asked to.

7 Q. Paragraph 34 of your statement also refers to that  
8 meeting and it contains a reference to what you refer to  
9 as a tongue in cheek comment that if SCRO had found  
10 16 points in sequence and agreement in Y7, it must be a  
11 good mark.

12 Can you explain that comment?

13 A. That's the Chief Inspector who accompanied Scott  
14 Robertson. At the end of the meeting we were all  
15 breaking up to go our various ways, was it a good mark,  
16 and I purely and simply said if they found 16  
17 characteristics on it then I would assume it was a good  
18 mark. I hadn't studied the mark at that time or  
19 examined the wooden doorframe.

20 Q. You say that at that stage you had no idea that Y7 was  
21 alleged to have been identified in error. When did you  
22 and your team first become aware of Mr Wertheim's  
23 report?

24 A. When we (1) received the doorframe and then started to  
25 receive the other informations, you know, the SCRO court

1 presentations, Pat Wertheim's, the elimination  
2 fingerprints, Shirley McKie's and the Marion Ross'  
3 fingerprints.

4 Q. So as you were receiving material on which you were to  
5 base your findings you became aware that this was the  
6 allegation that you were investigating?

7 A. Yes, clearly.

8 Q. That was before you carried out your own examination?

9 A. Sorry?

10 Q. That was before you carried out your own examination?

11 A. Yes, I think so.

12 Q. When did you first become aware of the Frontline  
13 Scotland documentary?

14 A. Oh, after we had completed our work, I would say  
15 probably 12 or 18 months, when a student from one of the  
16 Scottish forces -- and I couldn't tell you which one --  
17 asked if we had seen Scotland Tonight, I think it was,  
18 something like that anyway, and I said we've seen  
19 nothing and we were quite happy with that.

20 She had recorded the programme on presumably the BBC  
21 and would we like a copy. I said, well, yes. As far as  
22 I was concerned at this time our involvement with the  
23 whole thing was completed, finalised. We would have no  
24 more involvement in it. So I felt perfectly happy to  
25 look and view that and see what the BBC were presenting

1           because up to that time our information on what was  
2           happening and what had happened was scant at best.

3       Q.    So are you saying it is somewhere around 2002/2003 --

4       A.    Oh I would imagine so, yes. Certainly long after we  
5           completed our investigation.

6       Q.    You had contact with the journalist that was responsible  
7           for that documentary long before that though, didn't  
8           you?

9       A.    I had sorry?

10      Q.    Contact with the journalist responsible for that  
11         documentary long before that.

12      A.    Who, Shirley Jofre?

13      Q.    Yes.

14      A.    I can't tell you. I've got no idea.

15      Q.    Well, at one stage during your evidence you said that  
16         Miss Jofre contacted you frequently which seemed to  
17         cause you some consternation?

18      A.    No, that was after 2005 when I'd retired.

19      Q.    I see.

20                 Was the starting point by the Mackay team not the  
21         assumption that SCRO had made a mistake here?

22      A.    I really don't know what their thoughts or opinions  
23         were.

24      Q.    There was a further meeting on 2nd August and I think  
25         you have already been referred to the minutes of that

1 meeting. They are CO1318. Those are the minutes of the  
2 meeting on 2nd August 2000; is that correct?

3 A. It is.

4 Q. Now, you have already come to some conclusions as to  
5 collective manipulation of evidence which we will  
6 discuss in due course. That is in paragraph 2 but I  
7 wonder if we could move on to the second page, please.

8 The particular entry I'm interested in is just the  
9 second from the end there which says that at 3.45  
10 Mr Mackay joined the meeting and the meeting then ended  
11 at 5.00. Nothing is minuted in between. What occurred  
12 in that hour and a quarter?

13 A. Sorry, can you repeat the question?

14 Q. Well, there are minutes of the meeting extending to 3.45  
15 in the afternoon and Mr Mackay arrives at about that  
16 time and the meeting concludes an hour and a quarter  
17 later. What was discussed during that hour and a  
18 quarter?

19 A. Purely and simply looking at what he was attempting to  
20 ascertain, in that he or he and his team were looking at  
21 procedures and practices, what was happening at that  
22 time in England and Wales, rather than any definitive  
23 points about the Scotland procedures.

24 But he'd called in at Harpley Hall on his way -- if  
25 I'm not mistaken -- to either Manchester or Merseyside

1 seeking further information regarding the procedures and  
2 practices.

3 He wanted to know what we taught to fingerprint  
4 people, be they trainees or experts, in England and  
5 Wales.

6 Q. So were you made aware at that stage that the allegation  
7 was that Y7 had been mis-identified?

8 A. Becoming aware, yes.

9 Q. You were becoming aware. What was causing you to become  
10 aware at that stage?

11 A. Purely the general tone of what they were looking for  
12 and what they were seeking to find out and, hopefully,  
13 what their conclusions were likely to be, whether they  
14 would affect England and Wales as well as Scotland.

15 Q. So by, at the latest, August 2003 the general tone of  
16 your instructions was indicating to you that what was  
17 being looked for was evidence of a mis-identification;  
18 is that right?

19 A. Yes, possibly, yes.

20 Q. You already had access to Mr Wertheim's report and that  
21 was the conclusion of that report.

22 A. We didn't have access to Wertheim's report. We had his  
23 court comparisons; his presentation with his overlays.

24 Q. I am sorry, I asked earlier on when you first received  
25 Mr Wertheim's report and you had said that it had come

1 in alongside some of the other items that you had --

2 A. No, no, we didn't receive his report, as far as I can  
3 remember. We had his core presentation with the  
4 overlays.

5 Q. Was it clear from that what Mr Wertheim's views on Y7  
6 were?

7 A. We didn't look at that or study it until we completed  
8 our work. Having completed our work, made our report  
9 and then looked how he had presented his evidence,  
10 purely out of curiosity then, yes, it became apparent.

11 Q. The final version of your report wasn't made available  
12 until mid-2001. At what stage did you review  
13 Mr Wertheim's material?

14 A. When we completed our comparison work. I couldn't tell  
15 you what day it was. I've no idea.

16 Q. So your position is that you were not starting from a  
17 point of having been instructed that this was a  
18 mis-identification?

19 A. Not directly, no. But the mere fact of what we were  
20 being asked to do made all of us very, very aware that  
21 some mishap or some mis-identification had taken place;  
22 otherwise we wouldn't be asked to do the work we were  
23 doing.

24 Q. So from the very fact that you were asked you were aware  
25 that this was what you were looking for?

1 A. No, we weren't looking to see if there was a  
2 mis-identification, we were applying the principles of  
3 ACE-V from Y7 and Q12 to the fingerprint forms that we  
4 were provided with.

5 Q. Let us come to your examination of Y7. Paragraph 38 in  
6 your statement refers to what has been spoken about as  
7 the damage to the mark. You have already said I think  
8 that it didn't affect your comparison.

9 When you're looking at a mark that has been damaged  
10 in some way, how can you tell if any detail has been  
11 obscured by that damage?

12 A. Purely and simply by the depth or the width or whatever  
13 it is of that damage and the significance of that  
14 damage.

15 Q. Damage in this case was in the lower part of the mark;  
16 is that correct?

17 A. Yes, and if I remember correctly it was just a very  
18 fine, white line.

19 Q. One of the things that yourself and the SCRO  
20 practitioners agree on is that the logical place to  
21 start this examination was in the lower part of the  
22 mark.

23 A. Yes.

24 Q. But, as far as you are concerned, the damage to that  
25 part of the mark is insignificant?

1 A. To me certainly, yes.

2 Q. My question though was how do you know that when you are  
3 looking at a mark that is already damaged?

4 A. If the damage is insignificant then it is a relatively  
5 low-key concept. All of us, the three of us that were  
6 working on this, started on our own particular way and  
7 started from our own chosen starting point.

8 Q. How is it that you are able to assess whether damage is  
9 significant or not when you do not know what detail has  
10 been damaged?

11 A. But from starting at the point I started at, which was  
12 towards or near what I thought to be the core, my  
13 opinion had been formulated before I even got to any  
14 damaged area.

15 Q. Were the photographs that you had of the mark  
16 unsatisfactory, in your view?

17 A. No, I arranged for our own photographs to be taken.

18 Q. That's what I was going to ask. Again, when you have  
19 the mark rephotographed the mark has already been  
20 damaged.

21 A. Yes.

22 Q. So my question has to be what value is there in having a  
23 high quality photograph of a damaged mark?

24 A. But the damage was insignificant.

25 Q. You have said already today that you were not aware of

1 the system of illustrating independent findings of four  
2 officers by way of a joint report in Scotland.

3 A. No, we weren't.

4 Q. Is that not something of which you ought to have been  
5 aware before you began to come to your conclusions about  
6 collusion or, as you have put it, collective  
7 manipulation of evidence?

8 A. Not really. Perhaps in hindsight, yes, it might have  
9 been wise to ask but at the time our main body of work  
10 was doing the comparison work of Y7 and Q12 against all  
11 the named fingerprint forms that we received.

12 At the end of that when we decided that it wasn't  
13 it, then you were asked for what conclusions can you  
14 draw and the only conclusion we draw, in ignorance I  
15 admit, were the ones that are in our report.

16 Q. Well, a good many of the conclusions that you come to  
17 seem to have been drawn from the fact that charting PC  
18 enlargements were used, that identical enlargements were  
19 signed by different officers and that on the enlargement  
20 that was used for illustrative purposes only the top  
21 part of the mark was not apparent.

22 Now, all of these things take place after the  
23 analysis by the examiners, do they not?

24 A. Yes, but I certainly wasn't aware that -- I assumed,  
25 rightly or wrongly, I assumed that the four individuals,

1 the officers that you're referring to, had produced  
2 their own enlargements for court. It's only here that  
3 I've recently found out that it was one production used  
4 by two or three other people with their signatures on.

5 Q. Does the final report, the 2001 report that you  
6 produced, contain enlargements separately prepared by  
7 yourself and your two colleagues?

8 A. No, I don't think we produced enlargements to that  
9 extent -- not for a court presentation view point.

10 Q. Why is it that you assumed that separate enlargements  
11 would be produced by the SCRO officers for court  
12 purposes?

13 A. Because that would have been the practice in England and  
14 Wales.

15 Q. In addition to that assumption, have you assumed that  
16 this took place at some stage where it would have  
17 affected their opinion as to the identity of the donor  
18 of the mark?

19 A. I don't think my opinion would have changed in any way,  
20 shape or form. What I really believed was -- and my  
21 colleagues agreed with me -- that each of those officers  
22 had produced their own presentation and our concern was  
23 that the indications and the exit lines and things of  
24 that sort were drawn or exited from the exact pixel in  
25 each of those four and that's where we drew our thoughts

1 and conclusions that they had colluded in some way  
2 because there was no way, if four people had  
3 independently prepared and presented those exhibits,  
4 that the exit lines would be from exactly the same pixel  
5 in each and every one.

6 Q. So now that you are aware that the practice was for each  
7 of these officers to carry out their own independent  
8 assessment of the mark, albeit for illustration purposes  
9 enlargements were produced for court thereafter on which  
10 all these officers signed off, is that not something  
11 that you perhaps ought to have been aware of before you  
12 assumed that they had collaborated and came to the  
13 conclusion that there was, as you put it, collective  
14 manipulation of the evidence?

15 A. Perhaps in hindsight but at that time we weren't  
16 encouraged to ask too many questions. Our role was  
17 purely and simply to examine what had been done by SCRO,  
18 find our own conclusions and then a long way after that,  
19 well, certainly weeks after that, offer explanations as  
20 to why that had happened.

21 That final part, offering explanations as to why  
22 certain things had happened, was not part of our initial  
23 remit.

24 Q. Why is it you say you weren't encouraged to ask too many  
25 questions?

1 THE CHAIRMAN: My LiveNote has stopped again. I am sorry to  
2 interrupt you, Mr Holmes.

3 It might be wise if we took the ten minute break now  
4 and that would allow them an opportunity to cure the  
5 problem. I think others have the same. So we will stop  
6 now until 3.10 or as soon as it is fixed thereafter.

7 **(3.00 pm)**

8 **(A short break)**

9 **(3.12 pm)**

10 THE CHAIRMAN: Normal service is resumed.

11 MR HOLMES: Thank you, sir.

12 I think before the break, Mr Sheppard, my last  
13 question was why is it that you say you were encouraged  
14 not to ask too many questions by the Mackay team?

15 A. Purely from the inference that I took that Scott  
16 Robertson's Inquiry was in its infancy and our role was  
17 purely and simply to compare the mark on the wooden  
18 doorframe with whatever number of fingerprint forms that  
19 were put in our or sent to our possession.

20 Q. Who was it who encouraged you not to ask too many  
21 questions about what you were doing?

22 A. Well, there weren't many questions I would want to ask  
23 anyway, if I'd known I was ask to free to ask any. At  
24 that time it appeared we had a very simplistic task:  
25 compare the mark on the wooden doorframe with the given

1 number of fingerprint forms that we were going to  
2 receive.

3 Q. So aside from Mr Wertheim's productions and your own  
4 conclusion that you were being asked to look into  
5 something where there had clearly been some kind of  
6 problem, you had no indication that you were looking  
7 into an alleged error?

8 A. Yes. Obviously, I mean, that came into my mind and the  
9 minds of my colleagues that something remiss had taken  
10 place. What it was was of no concern to me, quite  
11 honestly.

12 Q. But you had no indication other than those items that I  
13 have mentioned that that's what you were doing?

14 A. No, no indication.

15 Q. There is a letter that you mention in your statement  
16 that was written by Harry Bell, who was, at the time,  
17 head of SCRO, in response to Mr Wertheim distributing  
18 photographs and he was quite critical of that and he has  
19 explained why.

20 When is it you saw that letter?

21 A. I saw a copy of it that had been sent to the Durham  
22 Constabulary Fingerprint Bureau and visiting that Bureau  
23 on one occasion I was asked had I seen this letter from  
24 SCRO. I said, no, I hadn't. Would I like to see it and  
25 I literally glanced through it very, very quickly and my

1 recollection of the letter was that SCRO were standing  
2 by the decision that they had made and that was all the  
3 significance I added to it.

4 Q. When was it you saw that letter?

5 A. I've no idea. I couldn't tell you the date.

6 Q. Again, was it before or after you began work on Y7?

7 A. I really don't know; I don't know.

8 Q. You included in your analysis of Y7 an area in the top  
9 part of the mark. Now, yesterday we heard Mr Kent say  
10 that Mr Wertheim's approach, which was the same (he also  
11 used some of the top part of the mark), was a simplistic  
12 approach and was potentially, according to Mr Kent's  
13 statement, was misleading to the jury in that he  
14 identified three or four characteristics from the top  
15 part of the mark and said that as a result of those  
16 characteristics not being present in the known mark it  
17 could not be an identification.

18 What comment do you have to make on Mr Kent's  
19 characterisation of that approach as simplistic and  
20 potentially misleading?

21 A. I don't really have any comments. I never studied Pat  
22 Wertheim's court presentation in any great depth or, I  
23 have to say, with any particular great interest and my  
24 colleagues didn't either. That was something that  
25 Wertheim had presented. We hadn't -- I hadn't seen

1 presentations in that manner before, not applying to  
2 fingerprints anyway. So it really wasn't of great  
3 relevance to us.

4 Q. The context in which Mr Kent was being asked that  
5 question was his own view that Y7 was the result of a  
6 double touch. You've made your opinion on that clear,  
7 that you believe the mark to be a single touch.

8 A. I do.

9 Q. And you account for the distortion in the top part of  
10 the mark by pressure?

11 A. Yes.

12 Q. Rather than movement?

13 A. Yes.

14 Q. Mr Kent's answer, as I understand it, where he described  
15 Mr Wertheim's approach as simplistic and potentially  
16 misleading was critical of the fact that Mr Wertheim too  
17 is of the opinion that this is a simple single touch.

18 I take it you refute anything that Mr Kent has to  
19 say on the matter?

20 A. I presume so. I didn't hear Mr Kent's evidence and I've  
21 no idea of what his true opinions are.

22 Q. His opinion was given yesterday, which is that to view  
23 this as a simple, single touch and to present that as  
24 evidence in court is, as he put it, simplistic and  
25 potentially misleading to the jury.

1                   What do you have to say about that?

2     A.    I don't have very much to say and I don't see why it is  
3           potentially misleading to a jury. If your opinion is  
4           that it is a single touch, then fine, unless somebody  
5           else comes along and disagrees with you and can prove to  
6           you that it is more than just a single touch.

7                   Pressure distortions can be quite effective to a lay  
8           person or somebody not particularly trained in  
9           fingerprints and can vary opinions quite widely. But  
10          once you're trained to look for these aspects, then I  
11          believe they are very easily recognisable.

12    Q.    I take it you would agree that Mr Kent's not a lay  
13          person for these purposes?

14    A.    I don't know. I know Mr Kent does an awful lot of  
15          research into the digital photography, the chemical  
16          procedures applied to developing fingerprints, but what  
17          actual fingerprint training he has I'm totally ignorant  
18          of.

19    Q.    You were asked earlier on by my learned friend,  
20          Mr Smith, about some of the SCRO officers' examination  
21          of the mark and one of the answers you gave when it was  
22          put to you that one of these officers took five minutes  
23          to look at the mark is that five minutes seems like an  
24          incredibly short period of time to examine something of  
25          this nature.

1 A. Yes.

2 Q. I take it since it's perhaps a difficult mark you would  
3 imagine a longer period would be justified in examining  
4 it?

5 A. If you are going to do the process properly and  
6 professionally then, yes, five minutes is certainly not  
7 long enough. You can spend 5 or 6 minutes easily with a  
8 mark like this, in a situation like this, on a wooden  
9 doorframe, purely and simply analysing what you are  
10 going to look for, what is visible in that mark.

11 Q. So it would be improper and unprofessional to take such  
12 a short period of time analysing the mark?

13 A. Yes, really, yes. Although that individual was  
14 obviously quite satisfied that they had given it due  
15 regard in that timescale.

16 Q. If an individual were to be satisfied in perhaps 60 or  
17 90 seconds they were capable properly to analyse this  
18 mark I take it, therefore, your view would also be that  
19 that is an improper and unprofessional approach?

20 A. It's certainly not an approach I would take or would  
21 recommend.

22 Q. I know it may sound facetious but if you add to those  
23 circumstances the fact that an individual may admit to  
24 having looked at the mark in poor light having had a  
25 couple of drinks, again, that would be a rather improper

1 and unprofessional approach to analysing this mark?

2 A. Yes.

3 Q. How long did it take you to look at it?

4 A. I've no idea. I mean, I didn't time it but a

5 considerable amount of time in that if you apply a

6 proper analysis to something, then you're not just

7 looking at the fingerprint that is revealed in the

8 photograph, you're looking at the type of photograph,

9 the developing agent, contamination that may have taken

10 place, its position on whatever the article might be.

11 So that there are a great many factors that I would want

12 to be satisfied I could reach a conclusion on or

13 certainly a hypothesis, then it would take as long as it

14 took and I really couldn't tell you. But it was some

15 considerable time.

16 Q. At the end of that analysis, you offered an opinion not

17 only on the mark itself but on the approach taken by the

18 officers of SCRO?

19 A. Yes.

20 Q. Eventually you offered an opinion on that.

21 You offered the opinion that there had been

22 collective manipulation and you offered the opinion that

23 there had been gross incompetence or pure fabrication.

24 Now in relation to the first of these will you

25 accept now that was done on the assumption that the

1 officers had done their work collectively because the  
2 images were prepared collectively?

3 A. Yes. I assume that they had all individually analysed,  
4 compared and made their own evaluations.

5 Q. If that were the case, your opinion that there had been  
6 collective manipulation of the evidence would be  
7 ill-founded?

8 A. Knowing what I know now, that it had been produced on a  
9 computer of some sort and only one copy was made or one  
10 original and then three copies with names added to it,  
11 then I would perhaps change my opinion on that. I would  
12 have to.

13 Q. The other comment that was made was that there would  
14 either be gross incompetence or pure fabrication.

15 Again, I take it the fact that the charting PC was  
16 something that was used to produce enlargements and  
17 these images weren't something that were used in the  
18 course of analysis is something that might now change  
19 your opinion?

20 A. My opinion on the original identification made either  
21 with photographs or a comparator will stand. I really  
22 don't understand or comprehend how four individuals  
23 could arrive at what I consider to be an erroneous  
24 identification.

25 Q. Then do you understand how not only those four

1 individuals but the defence experts employed by both  
2 Mr Asbury and Ms McKie came to the same conclusion?

3 A. I have no explanation for that. I'm not aware of any  
4 opinions that those people, whoever they might be,  
5 formulated.

6 Q. But were you aware that Mr Asbury employed in his  
7 defence a fingerprint expert by the name of Mr Graham?

8 A. I wasn't, no.

9 Q. And if there is evidence, in due course, that Mr Graham  
10 supported the findings of SCRO in relation to Y7 you've  
11 no reason to suggest that that was as a result of any  
12 kind of collusion?

13 A. I've no idea. I've never heard of the name "Graham".

14 Q. If you are told that Mr Swann was employed, in fact, I  
15 think you are aware that Mr Swann was originally  
16 employed by Ms McKie as part of her defence and again  
17 agreed with SCRO's analysis of Y7, clearly that can't be  
18 part of any kind of arrangement on their part either,  
19 can it?

20 A. No.

21 Q. So how do you account for the fact that two original  
22 defence experts in this case agreed with the finding of  
23 SCRO?

24 A. I can't offer an explanation, I'm afraid. One, Graham I  
25 didn't know and Peter Swann I've met very briefly on two

1 occasions. As to their competence I have no idea  
2 whatsoever.

3 Q. In relation to your approach to fingerprint examination  
4 in general, you state that there were only in this  
5 particular mark three characteristics in sequence and  
6 agreement.

7 How few characteristics in sequence and agreement  
8 can you identify a fingerprint on?

9 A. I don't think you can play the numbers game at that  
10 particular time. I think I mentioned yesterday very  
11 briefly that you make your evaluation that it is  
12 identical or it is not identical and only then do you  
13 consider the number of points that you've found, really  
14 supporting your evaluation. So numbers really don't  
15 come into it until right at the end of the evaluation  
16 process.

17 Q. So is it fair to say on the basis of that answer that  
18 the non-numeric system should make absolutely no  
19 difference to the number of identifications made, they  
20 should all be the same. It's just they might be perhaps  
21 explained to the jury differently than they would have  
22 done under the 16-point system?

23 A. Absolutely.

24 Q. In fact, is it fair to say that under the non-numeric  
25 system that the lowest or the fewest number of points in

1 sequence and agreement that one could identify a  
2 fingerprint on is none?

3 A. I really can't -- I don't see how you could possibly  
4 make an identification or a conclusion with no  
5 characteristics.

6 Q. Is it possible to make an identification on third level  
7 detail alone?

8 A. Yes, we do it or the service does it now. Certainly not  
9 me.

10 Q. So is it possible for sufficient third level detail to  
11 be apparent in a mark without necessarily having any  
12 second level characteristics in sequence and agreement?

13 A. No, I think you'd need the second level detail to  
14 determine that you are actually looking at a  
15 fingerprint.

16 Q. Paragraph 68 in your statement refers to officers  
17 preparing enlargements together. I think I have already  
18 asked you about that. I will move on.

19 Paragraph 71 states that you would often be told by  
20 SCRO students that they would pass very difficult marks  
21 to senior officers.

22 A. Yes.

23 Q. Once again in relation to your conclusions that there  
24 had been some kind of collective manipulation, how does  
25 that square with the fact that junior officers would

1 seek advice on particularly difficult marks from senior  
2 officers?

3 A. Purely and simply that at the National Training Centre  
4 we practised and preached good practice in all  
5 situations. One of the criteria of students attending  
6 that Centre was they had to demonstrate their  
7 decision-making abilities and we would not accept a  
8 little note detached to a comparison that had taken  
9 place, "Insufficient detail for me to make a decision.  
10 Would pass this to a senior level", the reason being  
11 that when they become experts that procedure might not  
12 be available to them. If they are the only expert there  
13 on duty at 10.00 at night and a decision has to be made  
14 whether somebody is released or kept in custody, then  
15 they have to have and to have demonstrated that ability  
16 that they can to make decisions. So we reproated(sic)  
17 the fact that students from Scotland would put a note on  
18 things and we'd say, "No, sorry, not sufficient, not  
19 satisfactory. Go away, make a decision".

20 Q. In fact, you would perhaps encourage junior experts to,  
21 where appropriate, question the findings of senior  
22 experts; is that right?

23 A. Certainly, yes.

24 Q. Mr Bell has given evidence already that that was the  
25 approach that was taken within the Glasgow Bureau. Is

1           that something that you're aware of?

2       A.    I don't know what their procedures were, quite honestly.

3       Q.    Paragraph 76 and 77 in your statement mention a  
4           six-point standard or a minimum of six points being  
5           acceptable to officers in the Glasgow Bureau. Where did  
6           you get this information from?

7       A.    From the students. We were moving in England and Wales  
8           towards a nonnumerical system from -- when -- the '90s  
9           and it took an absolute eternity. Scotland still  
10          maintained a 16-point standard and that's really what we  
11          were trying to import to students, both England and  
12          Wales and Scotland, that eventually Scotland might go  
13          the same way as we were south of the border and that  
14          numbers no longer applied and then we started leading  
15          into that with various courses that we ran. Well,  
16          right, what sort of numbers do you use now? What's  
17          relevant to you? What is the number you require to make  
18          an identification? And then you would hear various  
19          things from various bureaux in England and Wales at the  
20          time as well, eight or ten, and then that would be  
21          considered to be an identification -- not satisfactory  
22          to present at court.

23                 But then, you know, the comments were made, Ah, but  
24                 if it's an elimination then we don't apply those same  
25                 standards, six will do.

1 Q. So these are anecdotal accounts from people who were, at  
2 the time, in training?

3 A. Yes.

4 Q. And there's nothing more concrete than that that you are  
5 basing --

6 A. No, certainly nothing more concrete.

7 Q. There was a letter produced to one witness this week  
8 which has purportedly been authored by a Mr Luckcraft.  
9 Are you aware of this individual?

10 A. Yes, I am.

11 Q. Do you know where he is now?

12 A. Sorry?

13 Q. Do you know where he is now?

14 MR MOYNIHAN: I can give the answer to that. We have an  
15 address for Mr Luckcraft, so I won't invade  
16 Mr Sheppard's privacy.

17 A. No, I haven't met or communicated with Mr Luckcraft for  
18 5/6 years. He came to Durham on a computer course.  
19 That was the only time I'd met him for, I don't know,  
20 15 years.

21 MR HOLMES: Thank you very much.

22 THE CHAIRMAN: Mr Macpherson?

23 MR MACPHERSON: No, thank you, sir.

24 THE CHAIRMAN: Miss Grahame?

25 MISS GRAHAME: No, thank you, sir.

1 **Re-examined by MR MOYNIHAN**

2 Q. I have three points, Mr Sheppard, just on that last  
3 point whether Mr Luckcraft was the individual you  
4 mentioned in paragraph 73 and 74 of your statement. I  
5 understand he was because a telephone call was placed to  
6 you earlier this week when Mr Bell was giving evidence.

7 A. Yes, he was. We were colleagues in Manchester before I  
8 left Manchester in 1990. I don't think he'd qualified  
9 as an expert at that time.

10 Q. It's okay. I was just wanting the name because we can  
11 take up the matters that you mention in paragraph 73 and  
12 74 with him in due course.

13 There are two other points that I wanted to ask you  
14 about, please. One was to resolve perhaps an ambiguity  
15 in a question that led to an answer that you may not  
16 have intended.

17 If I can take you back, at least for my purposes to  
18 page 136 of the transcript -- you will just have to bear  
19 with me -- you were being asked by Mr Holmes, who is the  
20 gentleman who last asked you some questions, about  
21 having checked Y7 against a number of other individuals  
22 and I will just tidy up this point on the way.

23 You mentioned that you had compared Y7 against some  
24 300 or so other individuals.

25 A. I'm not sure of the exact number but I know there were a

1 considerable number of fingerprint forms to compare by  
2 the time that we were looking to complete our remit.

3 Q. Were those elimination print forms provided to you by  
4 Mr Robertson and his colleagues on the Tayside Police  
5 investigation?

6 A. They were indeed, yes.

7 Q. The particular question that you were asked -- and I  
8 just wonder if there was an ambiguity in it --  
9 specifically out of that total population of 300 we  
10 have, for our own reasons, had an interest in a Mr Gray,  
11 a Gary Gray. You don't now remember whether Mr Gray was  
12 in that 300 or not?

13 A. He was on the -- when the person came to my home to take  
14 a statement from me, the name was mentioned then and I  
15 looked through the paperwork that had been sent to me  
16 and that name was on that list. But when we were doing  
17 the exercise, that name meant absolutely nothing to me  
18 whatsoever. It was just one of many.

19 Q. So Mr Gray was one of the 300 or so on the list?

20 A. Yes, and no more significant than that to me.

21 Q. In fact, the ambiguity was that Mr Holmes asked you in  
22 this connection about you having compared the list. He  
23 asked you:

24 "Would Mr Gray have been eliminated as a possible  
25 donor of Y7?"

1 To which you answered:

2 "No, he wasn't; nobody was."

3 I suppose the ambiguity is what was intended by the  
4 word "eliminated".

5 This is the ambiguity: if Mr Holmes had meant  
6 eliminated in the sense of matched or identified as the  
7 donor, then you would say, no, he was not?

8 A. He was not, no.

9 Q. If Mr Holmes had intended to use "eliminated" in a sort  
10 of legal sense in this respect: Mr Gray was someone who  
11 you discounted as not matching and therefore --

12 A. We matched nobody from an identification process out of  
13 that whole vast number of fingerprints.

14 Q. So if I use the word "eliminated", just in the sense of  
15 you excluded him from an investigation because he was  
16 not a possible match --

17 A. Absolutely.

18 Q. -- that would explain the answer that you gave?

19 A. Yes.

20 Q. I am grateful.

21 The final point is just for completeness. Mr Holmes  
22 asked you about your own report (that is the National  
23 Training Centre report) and the enlargements that were  
24 attached to it. If I can just bring up CO2003; do you  
25 recognise that?

1 A. Yes.

2 Q. As the cover sheet of your report in June 2001?

3 A. Yes, I have a copy of it here, yes.

4 Q. In fact, since I have no criticism at all of joint  
5 reports, can you confirm what was lodged as the final  
6 report was indeed a joint report of yourself plus your  
7 three colleagues?

8 A. Two colleagues.

9 Q. That would be Mr Thomson and Mr Gregg.

10 A. Yes.

11 Q. And, in fact, to illustrate your conclusions you  
12 produced a number of appendices which would be  
13 enlargements with chartings of markings. I'm looking,  
14 for my purposes, at appendix 1. On the PDF it's page 9.  
15 It will be just brought up for you on the screen so you  
16 can see.

17 A. Thank you.

18 Q. Appendix 1 is a mark Y7 showing the first level detail  
19 ridge flow and second level detail of the actual ridge  
20 features. So if I understand it correctly appendix 1 is  
21 the first part of the ACE-V process marking up on the  
22 print Y7 the features that you regarded as significant  
23 potential characteristics?

24 A. Yes.

25 Q. In fact, would it be correct if I look through the

1 appendices, in the joint report what you and your  
2 colleagues have done is produce one illustration common  
3 to all three of you of the points that are being  
4 discussed in the report?

5 A. Yes. It was Mr Thomson who produced it.

6 Q. So Mr Thomson produced it and you as a co-signatory of  
7 the report were happy to agree with the production he,  
8 Mr Thomson, had prepared?

9 A. Yes, absolutely.

10 Q. That would be true of the other appendices in the  
11 report?

12 A. Yes.

13 MR MOYNIHAN: Sir, I have no further questions.

14 THE CHAIRMAN: There are a couple of things I wanted to ask  
15 you about.

16 At paragraph 71 of your report or your statement you  
17 referred to the culture of the SCRO and how you noticed  
18 that, with a difficult mark, the SCRO students would  
19 often say they wouldn't draw their own conclusions but  
20 would pass it to a more experienced officer.

21 Where we speak of students, of course, am I right in  
22 understanding that these are people who have actually  
23 done quite a bit of work on fingerprints? They don't  
24 come as novices, so to speak?

25 A. They do come as novices, sir, yes.

1 THE CHAIRMAN: But have they not -- I mean, some people come  
2 and do a week's training or a course --

3 A. If I can explain, the foundation course is of four  
4 weeks' duration and we had or I had people attending who  
5 had been inside a bureau for three, four, five months  
6 waiting for an opportunity to attend a course and other  
7 students who had never even seen the fingerprint bureau  
8 that they were going to be working in. So, you know,  
9 quite a variety and range of knowledge really and  
10 understanding of what they were going to be doing.

11 THE CHAIRMAN: Then would some people come back under your  
12 tuition, others would come back to do courses, more  
13 advanced courses?

14 A. Yes, certainly. I mean, there is an intermediate course  
15 which we would recommend somebody had at least two  
16 years, possibly three years within a Fingerprint Bureau  
17 and they would come back to us for three weeks and then,  
18 finally, an advanced course where it is all about court  
19 presentation and decision-making. That was three weeks  
20 but I think it's now been reduced to two.

21 THE CHAIRMAN: If my recollection is right, the SCRO  
22 fingerprint experts, they might come and do the  
23 intermediate course.

24 A. Yes, never the advanced.

25 THE CHAIRMAN: Never the advanced?

1 A. No.

2 THE CHAIRMAN: Did you notice anything, any difference in  
3 their ability when it came to the intermediate course  
4 from other sources of student?

5 A. No. In general terms, I considered them to be  
6 well-versed and well-trained at that stage of their  
7 career.

8 THE CHAIRMAN: That really leads me on to the next question  
9 which is that it appears that after this problem had  
10 arisen, that all the fingerprints that had been examined  
11 and reported on that were still coming before the courts  
12 or had recently I think come before the courts, a great  
13 number of them were examined by others, not within SCRO.

14 A. Yes.

15 THE CHAIRMAN: And that none of them were found to be  
16 incorrect or inaccurate, the findings?

17 A. I heard that it a team from Northern Ireland was  
18 assessing and looking at other cases that had been  
19 prepared and presented by SCRO but I'm not aware of  
20 whatever their findings might have been.

21 THE CHAIRMAN: No, if you assume for a moment that I'm  
22 correct and the finding was that none of them were found  
23 to be lacking, that would, would it not, seem to suggest  
24 that there wasn't any general incompetence if they got a  
25 very large number scrutinised by another an outside body

1 and found to be accurate?

2 A. I don't believe there was incompetence there, really. I

3 saw no suggestion of it.

4 THE CHAIRMAN: What I'm anxious about is when you described

5 it as gross incompetence, whether one is speaking of an

6 isolated -- now isolated, of course, has to include in

7 your view two cases, but, other than that, the

8 suggestion would be that there was no widespread

9 incompetence?

10 A. No.

11 THE CHAIRMAN: -- and that would accord with your own

12 impression.

13 A. I found most of the students, if not all of the students

14 from SCRO, were well-trained, well-versed and looking

15 forward to demonstrating their abilities to the training

16 team in Durham.

17 THE CHAIRMAN: The other topic which is quite different that

18 I just wanted your assistance with, was the comparator

19 something that was used at all at Durham?

20 A. Comparators were made available to students and we, as

21 instructors, often used them, certainly up until 2003

22 when we came into the digital age and had had the

23 ability to use a camera and blow a fingerprint up on a

24 large screen. Prior to that, the only way we could

25 really demonstrate to a student was by them sitting next

1 to us, pointing out what they think they saw and what  
2 was in agreement and then us offering opinions and  
3 demonstrating, perhaps, why it wasn't or offering more  
4 characteristics to say why it was.

5 THE CHAIRMAN: It seemed to me that the comparator, it's  
6 introduction -- whether it was successful or not -- was  
7 quite a step because up to then it was what you saw  
8 through the lens, whereas --

9 A. Yes or from a photographic enlargement, sir.

10 THE CHAIRMAN: Or an enlargement.

11 A. Oh, yes.

12 THE CHAIRMAN: But this was something where you could see  
13 the two sitting there and --

14 A. Absolutely, side-by-side.

15 THE CHAIRMAN: Was there any protocol about how it should be  
16 used?

17 A. Not that I'm aware of, no -- within a Fingerprint  
18 Bureau, you mean?

19 THE CHAIRMAN: Within a bureau, yes.

20 A. No, not that I'm aware of. It was an ideal training  
21 tool. How it was applied in a Fingerprint Bureau I  
22 really have no idea.

23 THE CHAIRMAN: I was going to ask you whether in the  
24 training school there would also have been advice about  
25 the correct procedure with it; in other words, you

1           should wipe off everything that anybody else had seen?

2       A.    That went -- yes, absolutely -- yes, part of best  
3           practice.

4       THE CHAIRMAN:   That's the way it would have been taught in  
5           the school?

6       A.    Yes, you don't do it this way when you go back to  
7           bureau. If you are going to demonstrate to somebody  
8           what your opinion is and how you have evaluated  
9           something, you put it on a comparator if that is the way  
10          you wanted to demonstrate it when you satisfied  
11          yourself, you wipe everything off and then ask somebody  
12          else to come and view it.

13      THE CHAIRMAN:   But the comparator should be the last -- the  
14          first way is to look at it through the glass or a lens  
15          and then if you were doing an examination, the  
16          comparator would not be used as the first step?

17      A.    No, certainly not, no, no. The comparator only offered  
18          you a limited amount of information, you know, from what  
19          could go on to a very, very small aperture at the top of  
20          the screen to have a light shown through it. So it was  
21          very limiting in that respect.

22      THE CHAIRMAN:   So it had limited value really.

23      A.    Yes. Yes, certainly.

24      THE CHAIRMAN:   Thank you very much. I am obliged to you for  
25          accommodating us and I hope we haven't kept you so late



1 THE CHAIRMAN: Well, we will assume that we will sit to 4.30  
2 tomorrow unless we finish earlier; in other words, keep  
3 the option open because we might be able to complete  
4 this week's evidence tomorrow.

5 MR MOYNIHAN: Given that there are only two witnesses, I  
6 would very much hope that we could complete the evidence  
7 tomorrow. It is obviously dependent on the  
8 cross-examination of Malcolm Graham, who is an important  
9 witness.

10 THE CHAIRMAN: We will see how that works out. So 10.00.

11 **(3.50 pm)**

12 **(Adjourned until 10.00 am the following morning)**

13

14

15

16

17

18

19

20

21

22

23

24

25