

Tuesday 20th October 2009

1

2 **(Morning session)**

3 **(10.05 am)**

4 THE CHAIRMAN: I gather we've some technical problems this  
5 morning and that the LiveNote will not come up on the  
6 screen at this stage, but the proceedings are being  
7 recorded in the normal way and I think we are hoping it  
8 will maybe come right shortly.

9 What I propose is that Mr Holmes has some issues to  
10 raise with me and it would seem to me there's no reason  
11 why we couldn't move on with that, though it won't  
12 appear on our screens as we go along.

13 MR SMITH: Sir, I wonder if I might say something before  
14 Mr Holmes commences. Mr Moynihan was kind enough to  
15 explain to me what the application is that Mr Holmes  
16 intends to make and, as I understand it, it relates to  
17 questions he wishes to put to Mr Wertheim.

18 Sir, I am sure you recall that I was appointed as  
19 Mr Wertheim's representative. I may say that I  
20 personally haven't any notice that either the  
21 application was to be made or, indeed, what questions it  
22 is proposed to ask. Obviously, Mr Holmes' submissions  
23 will make public certain --

24 THE CHAIRMAN: Would you like to see them and I will  
25 postpone that until you have seen them?

1 MR SMITH: I would indeed, sir, thank you.

2 THE CHAIRMAN: There can be no reason why -- it is obviously

3 in the interests of everyone that Mr Wertheim's

4 representative should know what is proposed to be asked

5 of him.

6 MR HOLMES: I do not have any difficulty with that, sir.

7 MR SMITH: May I suggest I would also like to be in touch

8 with Mr Wertheim later today regarding what the

9 questions may be. If I suggest that we perhaps deal

10 with this first thing tomorrow and that will give me

11 time to consider the position.

12 THE CHAIRMAN: Yes, I am keen tomorrow -- we have obviously

13 two days, we have quite a lot to get through but we will

14 deal with it as soon as possible, as soon as you are in

15 a position to do so and we can furnish you with a copy.

16 I should say that some questions I was asked that I

17 have indicated that I would be prepared to permit and it

18 would be marked. I will see that the copy you get shows

19 you which ones I have reached a decision about and the

20 ones that I declined but giving Mr Holmes an opportunity

21 to persuade me otherwise. Then you will see those as

22 well. I am sure that can be arranged.

23 I take it there's no reason why we cannot proceed

24 with Mr Luckraft's evidence, even though we can't follow

25 it on the screen as he says it, as his words are

1 recorded. It seems to me sensible just to proceed with  
2 what we've got.

3 **RICHARD LUCKRAFT, sworn**

4 THE CHAIRMAN: Your full names are ...?

5 A. Richard Luckraft.

6 THE CHAIRMAN: Take a seat, please, Mr Luckraft.

7 **Examined by MISS CARMICHAEL**

8 Q. I think you prepared a statement for the Inquiry which  
9 you signed. Do you have a copy of that with you?

10 A. I have, yes, that's correct.

11 Q. Subject to anything else that you may say about it,  
12 today are you happy to adopt that as your evidence?

13 A. Yes, I am.

14 Q. Before we turn to your statement, Mr Luckraft, I would  
15 like you to look at what I understand to be a letter you  
16 wrote back in August 2001 which is DB0629?

17 A. Yes. I just wonder if I could make one correction to my  
18 first paragraph of my statement, please?

19 Q. Yes, of course.

20 A. Yes, I would just like to correct where it says who I  
21 work for. I now work for Bedfordshire and Hertfordshire  
22 Scientific Support Services Department.

23 THE CHAIRMAN: Is that just a change of the identification  
24 of Bedfordshire Police Identification Bureau.

25 A. That's right. It's a corroboration now. The two forces

1           are working together in the scientific services.

2       THE CHAIRMAN:   And with a new name?

3       A.    Yes.

4       MISS CARMICHAEL:   What we have on the screen here -- and I

5           have to apologise that it is not on Trial Director but

6           people should have hard copies to look on with as

7           well -- this is a letter you wrote to Jim Wallace who

8           was then the Justice Minister; is that correct.

9       A.    That's correct.

10      Q.    What was it that prompted you to write the letter,

11           Mr Luckraft?

12      A.    What prompted me to write the letter was just to portray

13           my experience of working at the SCRO between

14           January 2000 and March 2001 and some of the procedures

15           or malpractice that was going on at the time.

16      Q.    Was there anything particular that prompted you to write

17           it when you did in August 2001?

18      A.    In particular, there was in regard to a case I

19           challenged of a wrong identification that an SCRO expert

20           made.

21      Q.    We will come to that in a little more detail but that

22           was something that had happened in about April 2000, if

23           I understand rightly?

24      A.    That's correct, yes.

25      Q.    You had been away from SCRO for, what, three or four

1 months when you wrote this letter?

2 A. That's correct.

3 Q. I suppose what I am trying to get at is whether there  
4 was anything in particular that made you write the  
5 letter when you did in August 2001?

6 A. Well, when I left SCRO the director, Harry Bell, asked  
7 me if there were any issues I would like to raise. When  
8 I saw him, I didn't want to raise those issues; I just  
9 wanted to leave SCRO as quickly as I could. I felt it  
10 was my duty to raise these issues about procedures and  
11 especially that case because it was the first time that  
12 that had happened to me in my career.

13 Q. Mr Luckraft, you might find it easier to move the  
14 microphone closer to yourself so you don't have to lean  
15 forward. You should be able to get it a little more  
16 comfortable for you.

17 A. Thank you.

18 Q. I would like to look, please, first of all, at the  
19 fourth paragraph of the letter here which starts, "A few  
20 days prior ..."

21 You have written a few days prior to commencing work  
22 at SCRO you were contacted by the then Head of Bureau.

23 Was that Mr Bell at that time?

24 A. No, that was Chief Inspector Christopher Griffiths who  
25 was the Head of Bureau of SCRO.

1 Q. How did he contact you? Was it telephone contact?

2 A. It was a telephone contact, yes.

3 Q. What, to the best of your recollection, did he say to  
4 you?

5 A. He was aware that I'd shortly be starting at SCRO and he  
6 just wanted to reassure me that there were no problems  
7 there with SCRO regarding the McKie case. Around about  
8 that time, there was a television programme on the McKie  
9 case and Mr Griffiths just said to me that he wanted to  
10 reassure me that there was no problems at SCRO and that  
11 the experts who were challenging SCRO had looked at a  
12 different image, a different fingerprint.

13 I had no reason to doubt this and at the time I was  
14 sure that all this would be sorted out pretty quickly  
15 and I could commence employment with SCRO.

16 Q. You used two different expressions there a different  
17 fingerprint, which was in your letter, but you also said  
18 a different image.

19 Can you recall just what it was that Mr Griffiths  
20 said to you?

21 A. I can't recall, no. Sorry. It was either a different  
22 image or a different fingerprint.

23 Q. But the tone of the conversation, we should take it, was  
24 a friendly reassuring one from what you said?

25 A. It was, yes, and he reassured me there was nothing to

1 worry about, everything was fine with SCRO.

2 Q. I would like to turn now to your statement, Mr Luckraft.

3 That is FI0113. You mentioned a particular incident

4 with a disputed identification and we will turn to that

5 in more detail, but I would like to look first at

6 paragraph 2 which is on the next page, page 2 of 12.

7 What you write there is that you experienced a degree of

8 peer pressure when you were working at SCRO.

9 Leaving aside the particular case which we will come

10 on to, the April 2000 one, I would like to explore with

11 you just how it was that peer pressure was exerted on

12 you during your time at SCRO.

13 A. Yes. My experience was that there was peer pressure. I

14 felt that the trainees were downtrodden a little bit and

15 their views weren't allowed to be expressed.

16 Q. If I can stop you there, I will ask you a little more

17 about the trainees but what you say there is that you --

18 if I understand you rightly, you said, "I experienced",

19 which I took to be you personally experienced a degree

20 of peer pressure and I would like to ask about how that

21 was exerted on you as an individual and who exerted it?

22 A. That was asserted(sic) by my supervisor at the time who

23 said, you know -- I put forward suggestions for changes

24 in procedures, changes in documentation and there were

25 just ignored. They were just said, "Look, we don't do

1           it that way. The SCRO way is the best way". In  
2           particular in relation to 10 and 10 identifications she  
3           said I had experience of using the 10 and 10  
4           identification process in other bureaux and my  
5           supervisor said we don't do that here. So there was  
6           peer pressure there.

7        Q.    I think you have explained in more detail elsewhere in  
8           your statement what the 10 and 10 procedure is but would  
9           I be right in thinking that when you have two marks  
10          apparently left by the same digit if there were ten  
11          characteristics in each of those and not less than 16  
12          between the two then you would be able to make an  
13          identification. Would that express what that means?

14       A.    That's right. That's roughly right and also if there  
15          were two separate fingers with 10 and 10 in each from  
16          the same person.

17       Q.    Who was your supervisor at the time?

18       A.    My supervisor at the time was Cathy Deany.

19       Q.    Other than this rejected suggestion about 10 and 10, can  
20          you provide any other examples of peer pressure being  
21          exerted on you personally?

22       A.    Yes. Shortly after starting on that Volume Crime Team  
23          under Cathy Deany, I took it upon myself to phone other  
24          bureaux in relation to procedures. I wanted to  
25          establish facts around the 16-point procedure and I was

1 reported to Chief Inspector Griffiths for talking to  
2 other bureaux. He called me into his office at one  
3 point and told me that he'd heard that I'd been speaking  
4 to other fingerprint bureaux on the phone and that, you  
5 know, this was a breach of the Official Secrets Act, you  
6 shouldn't be talking to other bureaux about procedures,  
7 about the McKie case. I replied to him, well, that's  
8 absolutely ridiculous. There's no way that I had  
9 breached the Official Secrets Act.

10 Q. You said that it had been put to you that you shouldn't  
11 have been speaking about procedures or about the McKie  
12 case. What was it you had been discussing with the  
13 other bureaux? Was it simply matters of internal  
14 procedure or had there been discussion about the McKie  
15 case also?

16 A. Obviously the McKie was prevalent at the time and there  
17 was lots of discussion about the McKie case but I was  
18 mainly concerned with the procedures in SCRO. I think  
19 the environment in SCRO was definitely one where new  
20 ideas didn't flourish. I believe that, you know, SCRO  
21 fingerprints showed a tunnel vision. They weren't open  
22 to other suggestions and, of course, I was the first  
23 fingerprint expert to come into SCRO from another bureau  
24 and really I saw it at its worst. It did get better,  
25 eventually. Steadily it did get better and there were

1 big improvements and other fingerprint experts from  
2 other bureaux did come in and that makes for a healthy  
3 working environment where new ideas can flourish and  
4 improvements made.

5 Q. I will ask you a little bit later about your  
6 understanding of how things may have improved but if we  
7 can turn back for the moment to paragraph 2 of your  
8 statement, you have mentioned that you believed that the  
9 Trainee Fingerprint Officers felt uncomfortable.

10 How did you become aware that they felt  
11 uncomfortable?

12 A. Just through discussion at tea breaks, at lunch breaks  
13 and just through the trainees recalling their experience  
14 at SCRO and feeling that they didn't have a voice to  
15 sort of ask can we do this another way? Can we make  
16 efficiency savings in little bits of the procedure, you  
17 know. I must stress that all my time at SCRO I never  
18 saw any procedures, written procedures, so I don't know  
19 what it would have been like for a trainee who starts  
20 there, never mind an expert.

21 Q. When the trainees were talking over lunch or over coffee  
22 or whatever, was it simply about procedural matters or  
23 was there discussion, for example, about any difficulty  
24 with challenging identifications or anything of that  
25 sort?

1 A. I felt that the trainees were expressing that -- they  
2 were told by experts that SCRO Fingerprint Bureau is the  
3 best bureau in the world and, you know, we are the best,  
4 we look at the worst marks, we've got the best  
5 experience. So this information was being told and  
6 instilled into the trainees and really this was false.  
7 This was sort of an arrogance that was portrayed.

8 Q. Did you get the impression that the trainees were  
9 unhappy with that view of SCRO being given to them?

10 A. Most definitely unhappy, yes.

11 Q. You have also said that trainees were made to feel  
12 inadequate and, again, I would like to explore with you  
13 how you became aware of that?

14 A. I think their confidence was low in that, you know,  
15 mistakes were made and everybody makes mistakes and  
16 especially trainees and I think it was the way that they  
17 were told you must find 16 characteristics, for  
18 instance, you know because SCRO, the volume crime  
19 section that I worked on, were only making idents with  
20 16 characteristics. So this was being instilled into  
21 the trainees as well. But I think it was a very much  
22 from what I heard and what I experienced in the SCRO was  
23 it was an environment where you shouldn't question  
24 procedures. This is the way it's done, that's it.  
25 You've got to sit down, shut up and get on with your

1 work and, you know, I experienced that.

2 I mean, for example, I went to the toilet and when I  
3 came back into the office Cathy Deany told me off for  
4 not telling her I'd gone to the toilet and I'd been away  
5 a few minutes. So you can see the kind of environment,  
6 unhealthy environment, it was.

7 Q. Did trainees complain of being made to feel inadequate  
8 or were you essentially drawing your own conclusions  
9 from things that you saw round you?

10 A. I think the trainees, you know, complained to each other  
11 but it was very difficult. You had to be very brave to  
12 go against the way they do things because I found it  
13 difficult enough myself.

14 Q. Did you ever hear any trainee complaining of being made  
15 to feel inadequate?

16 A. Yes, I think confidence was a factor, yes.

17 Q. You have told us a little bit about the feeling that  
18 SCRO was putting itself forward as being of some  
19 particular quality but you would accept that it was a  
20 big bureau, the largest in Scotland, yes?

21 A. Yes.

22 Q. And with a heavy case load, including a heavy case load  
23 of serious crime?

24 A. Yes, that's correct but, you know, I started my career  
25 at Manchester, which is one of the biggest bureaux in

1 England and, you know, just because you're a big bureau  
2 doesn't mean you're the best.

3 Q. I think that's what I would like to find out from you,  
4 Mr Luckraft, because on the one hand a large busy  
5 institution may have a proper pride in itself as an  
6 organisation; on the other hand, there may be, I think  
7 you used the word "arrogance" and perhaps thinking to  
8 your experience in Manchester, another large bureau,  
9 where would you say the difference lay between an  
10 organisation with perhaps a proper pride in its  
11 procedures and one which you regarded as unsatisfactory  
12 in the way you did SCRO?

13 A. Yes, I've worked in other bureaux, Devon & Cornwall was  
14 a new bureau that was set up when I went to work there  
15 and there was a lot of ex-Scotland Yard experts that  
16 went to Devon & Cornwall and I saw brilliant skill in  
17 those people, very, very good at their job. But they  
18 could admit a mistake. They would hold their hands up  
19 if they made a mistake and I think that's the  
20 difference. They weren't arrogant and my experience of  
21 SCRO was that's where the difference lay. It was  
22 that -- I've mentioned culture a lot and I think the  
23 culture in SCRO was very insular, not willing to listen  
24 to other ideas, other bureaux and there's the  
25 difference.

1 Q. Just exploring that a little further, you said SCRO  
2 weren't open to outside ideas. Again, perhaps comparing  
3 it with the other bureaux that you have worked in, and  
4 thinking back also to the time of 2000/2001 and the  
5 period before that, in other bureaux you had worked in  
6 was there, for example, external training of Fingerprint  
7 Officers rather than in-house training?

8 A. There was, yes, external training, yes.

9 Q. In other bureaux in which you had worked before working  
10 at SCRO -- and I am anxious to say before because  
11 obviously standards may have changed in a number of  
12 bureaux since the time you were at SCRO -- but you  
13 mentioned mistakes being made and people holding their  
14 hands up.

15 What sort of situations would that happen in within  
16 a bureau and how was it handled?

17 A. Well, I'm really talking by mistakes, sort of, the more  
18 clerical errors or something like that or, you know, but  
19 I never witnessed a wrong identification in other  
20 bureaux.

21 Q. That's presumably not to say that they wouldn't have  
22 taken place and been picked up somewhere else in the  
23 system in another bureau though?

24 A. Of course, of course.

25 Q. Were you aware of any disputed verifications, for

1 example, in any of the other bureaux in which you worked  
2 before SCRO?

3 A. No, I wasn't, no.

4 Q. If we could look at paragraph 3 here and looking to the  
5 last sentence, you have already told us a little bit  
6 about junior Fingerprint Officers suggesting changes to  
7 processes but, again, I wonder if you would be able to  
8 give us an example of a time when you were aware of  
9 somebody junior, other than yourself, making a  
10 suggestion that wasn't taken up?

11 A. I think it was just with the documentation. The  
12 documentation wasn't very adequate and bearing in mind  
13 that I think there was something like a 7,000-case  
14 backlog I think trainees would offer little suggestions,  
15 "Surely, we don't need to do this or do that", but I  
16 can't specifically put my finger on the detail.

17 Q. Thank you. We can take paragraph 3 away for now.

18 In paragraph 4, you give an example of a  
19 conversation that took place with Mr Charles Stewart.

20 A. Yes.

21 Q. What was the context of your conversation with  
22 Mr Stewart? How did it come about that you were having  
23 a conversation about this with Mr Stewart?

24 A. It came about -- I recall it was after, possibly, a late  
25 shift and it was walking from the headquarters at Pitt

1 Street to the railway station or something like that and  
2 it was just general talk about fingerprints.

3 Q. What was the tone of the conversation?

4 A. Well, I was surprised that -- well, the sort of tone was  
5 slightly arrogant and, you know, "we're the best", and,  
6 you know, that was the tone.

7 Q. My understanding from Mr Stewart's representatives is  
8 that his position may be that he does not recollect  
9 having that conversation with you.

10 Is there any possibility you might be mistaken about  
11 it?

12 A. Not mistaken for one moment. That was definitely said.

13 Q. You can take paragraph 4 down. Could we look, please,  
14 at paragraph 5.

15 We have spoken briefly about external training of  
16 experts but you mention also here that SCRO was  
17 suffering from a lack of investment and poor working  
18 conditions.

19 How did that, in terms of the investment and working  
20 conditions, compare with other bureaux you had worked  
21 at?

22 A. At the headquarters at that time it was certainly very  
23 cramped on working conditions. Everybody was on top of  
24 each other. Probably the worst working conditions I've  
25 seen in a Fingerprint Bureau.

1 Q. How did the lack of investment manifest itself, other  
2 than in terms of the cramped conditions at the time?

3 A. They were drastically short of staff. There was a  
4 massive backlog and it was really, really poor  
5 management. I think this had happened for years and I  
6 think that was the management's fault. You've got to  
7 remember also that the SCRO management had always been  
8 police management and I think, I do believe, that they'd  
9 always been Strathclyde Police officers into those  
10 posts. Now I'm sure I'm correct in saying that Chief  
11 Inspector Christopher Griffiths was the first  
12 non-Strathclyde Police Officer to fill a management post  
13 in SCRO, fingerprints that is.

14 Q. Can we take down paragraph 5, please, and if we move on  
15 to the next page.

16 Again, we have talked a little about the difference  
17 as you see it between proper pride in an organisation  
18 and undue arrogance. In paragraph 6 you refer to  
19 particular individuals being regarded as of very high  
20 quality. Again, it might be thought that people who are  
21 very experienced in a bureau are the proper subjects of  
22 a degree of respect and I would like to ask you about  
23 why, in view of your view, that shouldn't have been the  
24 case in SCRO.

25 A. What I was seeing was the talking-up of these people and

1           these people weren't capable of making a mistake. Of  
2           course, when you put yourself up that -- build yourself  
3           up so high ... I found that that was the culture, the  
4           building-up in SCRO. I mean, I do admit that I've seen  
5           in other bureaux this happen as well but there hasn't  
6           been the arrogance that was attached with it with SCRO.  
7           You know, you do get very good Fingerprint Officers who  
8           are exceptional at their job but, you know, I feel there  
9           was a slight arrogance about it as well at SCRO.

10        Q.    It might be thought as well that the very fact that one  
11           has a procedure like verification is a recognition that  
12           somebody might make a mistake at some point, otherwise  
13           there wouldn't be any point in having anybody to check  
14           it afterwards.

15                In SCRO might it not be thought that the fact that  
16           they had these procedures, as properly they did, was a  
17           reflection of the fact that there was a recognition that  
18           there might be a mistake at some stage?

19        A.    Well, that's always the case in any bureau, yes. There  
20           could be a mistake at some stage. Verification is there  
21           to hopefully stop it.

22        Q.    You can take that down, please.

23                Now, at paragraph 7 you talk about an incident where  
24           you heard the McKie case being referred to in particular  
25           terms which I will not repeat, but can you tell us what

1 the context was for hearing this, what was going on as  
2 this was being said?

3 A. I think there was a moment in the office where somebody  
4 mentioned the McKie case and then somebody came out with  
5 that comment and I witnessed that.

6 Q. Do you recall who was involved?

7 A. I do recall who said it, yes.

8 Q. Who said it?

9 A. Steven Begg.

10 Q. You say you also witnessed a general feeling within the  
11 SCRO Fingerprint Bureau that Shirley McKie had previous  
12 for this sort of thing. How did that manifest itself?

13 A. Again, there was just talk in the Bureau stating that a  
14 previous case she had left her fingerprints and they'd  
15 been eliminated where perhaps they shouldn't have been  
16 found, but this happens a lot with police officers  
17 anyway, wherever you are.

18 Q. What impression generally did you have during your time  
19 at SCRO about the feeling in the organisation about the  
20 rights and wrongs of the McKie case?

21 A. If there is one sort of overriding factor that kind of  
22 surprised me it would be that, if you like, the blind  
23 faith or blind support for SCRO from within and I just  
24 couldn't agree with that. You know, it doesn't matter  
25 where I worked, whatever bureau, if three people had

1           made an identification and this was being challenged,  
2           then I would not blindly support the three people  
3           involved, even though I was friendly with them or a  
4           colleague of them. I would like to see them demonstrate  
5           to me how they come to their conclusion. I just don't  
6           agree with blindly supporting or blind faith.

7                     In fact, I recall one briefing in the SCRO where --  
8           and this was after the Tulliallan presentation -- it was  
9           a briefing to the whole office by Chief Inspector  
10          Griffiths and I asked if the rest of the Bureau could  
11          see the Tulliallan presentation by Robert Mackenzie and  
12          the Chief Inspector, yes, certainly but not at the  
13          moment. We never saw that presentation.

14                    I also asked him about the images on the Internet  
15          and Chief Inspector Griffiths said, well, they  
16          are different to the original. There is a brush stroke  
17          through the -- I asked how they were different and he  
18          said there was a brush stroke through the Internet  
19          image.

20    Q.    Can you take down paragraph 7, please.

21                    I would like to ask you now about paragraph 9 and  
22          also if we could somehow put up beside them  
23          paragraphs 51 and 52, which you should find on page 10.

24                    These are parts of your statement where you deal  
25          with procedures in the volume crime cases and you have

1 already alluded to not using the 10 plus 10 procedure.

2 In the later part of your statement here at  
3 paragraph 52 you say that you reported the failure to  
4 the Quality Assurance Officer and the Deputy Head of  
5 Bureau.

6 Is that Mr Dunbar and Mr Mackenzie at the time?

7 A. That's correct.

8 Q. You also said that that resulted in your supervisor  
9 being spoken to. So should we take it that Mr Dunbar  
10 and Mr Mackenzie took some action in response to what  
11 you had said?

12 A. They did take action, yes. They also took major action  
13 in this, in that they issued a procedure, although --  
14 no, if I recall correctly, in conjunction with the Chief  
15 Inspector, the Chief Inspector issued a procedure and  
16 that was that the national standard of 1953 and 1983  
17 would be appended on to any idents that were going out  
18 so that the Procurator Fiscal could see which other  
19 marks were ident in the case. But of course this only  
20 happened once I'd pointed this out to them.

21 Q. I think perhaps, in fairness to the gentleman concerned,  
22 your statement gives a picture of an organisation that  
23 wasn't responsive to suggestions from yourself and from  
24 others about how things might be changed but do we not  
25 here perhaps have an example of you going to Mr Dunbar

1 and Mr Mackenzie and, in fact, their responding and  
2 something being done differently as a result?

3 A. Yes, definitely. As I've said, once I was in SCRO,  
4 although some issues weren't addressed, there were  
5 issues that were addressed and improvements made.

6 Q. We can take those paragraphs down just now.

7 If we look at paragraph 11 on page 3, you mention  
8 the introduction of competency testing. You say that  
9 you were the second or third person to be required to  
10 complete the test. My understanding is that it may be  
11 Mr Mackenzie's position that there had been some  
12 competency testing being piloted from as early as 1995,  
13 which is obviously a little earlier than you came to the  
14 Bureau.

15 Are you quite confident that you were only the  
16 second or third to undergo competency testing in SCRO?

17 A. If I might clarify, what I mean here is that I was the  
18 second or third person to take that particular  
19 competency test in that year.

20 Q. Ah, that is perhaps a little different in yours from  
21 what we see in your statement?

22 A. Sorry, I accept competency tests were taken on a yearly  
23 basis, years before that, yes.

24 Q. At this stage this would still be the internally  
25 prepared competency tests rather than ones from an

1 external provider?

2 A. That's correct, yes.

3 Q. You said you recall that experts were made to resit the  
4 test until they could pass on a mark of 100 per cent.

5 How did you become aware of that?

6 A. Just in the office. People were saying that they were  
7 failing the test so it was a particularly difficult  
8 competency test.

9 Q. You have said that you didn't support that approach to  
10 failing a test. I wonder if you could tell us why you  
11 say that was wrong and how you thought things should  
12 have been dealt with?

13 A. That's because the factors that come into a competency  
14 test, such as tiredness or how you're feeling on the  
15 day, nerves, et cetera. You could keep failing and  
16 failing that competency test. I wasn't in support of  
17 that. I felt you should just learn from your mistake  
18 and that's it. We all make mistakes.

19 Q. Had you experienced competency testing anywhere you had  
20 worked before SCRO?

21 A. Yes, I had, in Aberdeen.

22 Q. How was it done there? Was it an in-house system there  
23 as well?

24 A. I can't recall whether it was in-house or our Head of  
25 the Aberdeen Bureau obtained a test from SCRO. It was

1 either one of those two.

2 Q. How was a failed test dealt with in Aberdeen?

3 A. I can't recall.

4 Q. Take away paragraph 11, please. I would like to put up  
5 paragraph 12 on page 4 and alongside it paragraph 56 on  
6 page 11, 55 and 56.

7 These are passages in your statement where you deal  
8 with the use of comparators during your time at SCRO.

9 In paragraph 12 you mention the bad practice of leaving  
10 points for the next checker marked with a pen and then  
11 in paragraph 56 you say you did not witness a case in  
12 which an officer left marker points for yourself.

13 How often did you witness points being left for the  
14 next checker on a comparator screen? Was this a one-off  
15 or was it something that happened more than once?

16 A. Myself, I witnessed it once but I was aware from other  
17 people that it did happen previously. It was a previous  
18 practice, if you like. It wasn't done so much when I  
19 was there but I did witness it once where I asked the  
20 person just to wipe the comparator clean of the points.

21 Q. When you talk about a previous practice, you mean a  
22 practice that was prevalent in the time before you  
23 joined SCRO?

24 A. Yes, yes.

25 Q. Just while we are still on the comparators here, you

1 say:

2 "In general terms, there appeared to be a culture in  
3 which using the comparators was deemed to be a  
4 weakness."

5 Could you explain what you mean by that, please?

6 A. I believe that there was a slight bravado from what I  
7 was told in the Bureau that, you know, it was looked at  
8 as a weakness to go on to the comparator. "Why can't  
9 you see the identification at your desk?" That's all.

10 Q. What is your own view about using comparators to help  
11 with making a comparison or an identification?

12 A. My own view is that any aid and any help we can have is  
13 a good thing.

14 Q. Were people told not to use comparators? How did this  
15 manifest itself, the idea that comparators shouldn't be  
16 used or it was weakness to use them?

17 A. I'm not too sure on that. I sort of heard this was the  
18 case.

19 Q. Again, when you say you heard this was the case, was  
20 this people talking to you about things that were going  
21 on at the time you were at SCRO or people talking about  
22 things that had happened in the period before you joined  
23 SCRO?

24 A. It was both, really, yes.

25 Q. If we can take those paragraphs down, please, and turn

1 to page 4 and you start at paragraph 13 to tell us about  
2 the challenged identification from April 2000?

3 A. Yes.

4 Q. I think there had been some suggestion at some stage,  
5 which has turned out to be an erroneous one, that you  
6 had had a written warning in connection with that matter  
7 and in paragraph 13 you are setting the record straight  
8 that you did not receive one. Is that right?

9 A. That's correct. I didn't receive a written warning.

10 Q. You say that you did, however, receive verbal threats  
11 from Chief Inspector Griffiths. To be clear about that,  
12 is that the evidence to the Official Secrets Act that  
13 you have already told us about or is this some other  
14 incident involving Chief Inspector Griffiths?

15 A. It was another incident as well.

16 Q. So is what you are saying here that Chief Inspector  
17 Griffiths spoke to you about not only your contact with  
18 bureaux regarding procedures generally but about this  
19 particular queried identification from April 2000?

20 A. Sorry, could you repeat the question?

21 Q. I am sorry, it is my fault.

22 You have told us already about Chief Inspector  
23 Griffiths suggesting to you that you might have breached  
24 the Official Secrets Act by speaking to other bureaux  
25 about matters of procedure.

1 A. Yes.

2 Q. In the first place, is that the same conversation that  
3 you are referring to here in paragraph 13?

4 A. No, it's something else.

5 Q. It is something else.

6 A. Yes.

7 Q. So what are you referring to in paragraph 13?

8 THE CHAIRMAN: You say it's a non-related fingerprint  
9 matter.

10 A. That's right, yes. It was to do with an incident where  
11 I was unfortunately late for work and the Chief  
12 Inspector didn't believe my reasoning for being late and  
13 this was the non-related fingerprint matter. He put a  
14 report in against me to Superintendent Brian Gorman and  
15 I said to him that I would counteract that report and  
16 put my stance forward and that's when he threatened me.  
17 But it was a totally non-related fingerprint matter.

18 MISS CARMICHAEL: I see. So what we see in the second  
19 sentence of paragraph 13 is nothing to do with  
20 challenged identification from April 2000.

21 A. No.

22 Q. I am not going to ask you to repeat all of the detail of  
23 what you have given us in your statement here about the  
24 challenged identification, but I would like to ask you  
25 when you received the case from Collette Orr, what

1 exactly did you get from her and in what form?

2 A. I received the case envelope and the photograph. At  
3 that time that is what the SCRO Fingerprint Bureau  
4 received from the Identification Bureau. So there was  
5 no lifts or negatives, just the photograph and the  
6 documentation.

7 Q. You say that on the paperwork Mrs Orr said she had  
8 identified the mark as the named suspect with 16 points.

9 A. That's correct.

10 Q. Was this marked on an image in any way or was it simply  
11 a note on an envelope or a piece of paper saying  
12 16 points or something of that sort?

13 A. It was noted on the documentation, the suspect's name  
14 and the 16 points.

15 Q. Simply the fact of having found 16 points?

16 A. Yes.

17 Q. There was no indication of what was points were?

18 A. No.

19 Q. What was your understanding of any procedure that there  
20 was at the time for dealing with a situation where a  
21 verifying examiner such as yourself disagreed with the  
22 first examiner?

23 A. There was no procedure at that time. My understanding  
24 was that I would go back to Collette Orr, which I did,  
25 and discuss the comparison.

1 Q. Mr Dunbar, in his oral evidence to the Inquiry on  
2 6th October, suggested that you had confronted Mrs Orr  
3 aggressively in an open office.

4 What is your response to that?

5 A. I portrayed no aggression whatsoever. I'd like to know  
6 what is meant by that "aggressive in an open office".  
7 That just did not happen.

8 Q. Can you describe for us your discussion with Mrs Orr  
9 when you went back to her?

10 A. Well, I'd just go back to Collette Orr and just say,  
11 "Look, I've looked at this comparison at my desk and  
12 I've looked at it on the comparator", and I've said to  
13 her that I cannot see two characteristics in agreement.  
14 "I just don't think it's it", and then what Collette Orr  
15 did was we discussed the mark on the comparator.

16 Q. How did that discussion proceed?

17 A. Well, Collette Orr sat at the comparator and plotted the  
18 points, the 16 points, I watched this and then I took  
19 over the seat on the comparator and looked at the  
20 characteristics. I could not find two characteristics  
21 in agreement. I was quite firm in my stance about that  
22 but I certainly didn't show any aggression whatsoever.

23 Q. Were you aware of any procedure for a disputed  
24 identification to go to the Head of Bureau at that time?

25 A. No, I wasn't.

1 Q. You go on to tell us -- if we can look at the next page,  
2 please -- that Mr Stewart became involved.

3 Can you tell us how that happened and how you became  
4 aware of that?

5 A. Yes, I recall that it was possibly a Friday that it  
6 happened and it was just before lunch that I took the  
7 comparison on from Collette Orr and after we had had our  
8 discussion and that, lunchtime came and I went off to  
9 lunch. When I returned, I spoke to Collette Orr and  
10 she -- what I understand from her, she went over to the  
11 Identification Bureau, the Strathclyde Identification  
12 Bureau, and obtained photographic enlargements of the  
13 marks in this case. Then she told me that she had given  
14 this to Charles Stewart and this, bearing in mind that I  
15 hadn't had the opportunity to look at the enlargements,  
16 and she said that Charles Stewart had looked at it and I  
17 said, "Well, where is the case now", and Collette Orr  
18 told me that it's now with Alan Dunbar.

19 So I don't believe there was a procedure at that  
20 time for a possible erroneous identification because  
21 this had gone to Charles Stewart and, of course, when I  
22 came back from my lunch I went over to Charles Stewart  
23 and asked him had you looked at this comparison and he  
24 said yes. I said why. He said because Collette Orr had  
25 wanted him to give an opinion. I said, "Well, what did

1           you think?" He said that, "Yes, it's an identification.  
2           I've found 14 characteristics in agreement", and I was  
3           just totally -- well, I couldn't believe you could get  
4           14 characteristics in agreement.

5                     So then obviously I'd learnt that it was now with  
6           Alan Dunbar --

7        Q.    Can I stop you there and just ask you what the tone of  
8           your discussion with Mr Stewart was?

9        A.    Very calm, very calm, no aggression whatsoever.

10       Q.   I am sorry I interrupted you because you were going to  
11           go on to talk about speaking to Mr Dunbar.

12       A.    Yes. So I then approached Mr Dunbar and he said he'd  
13           got the enlargements to look at and some time  
14           afterwards, and whether it was on the Friday or whether  
15           it was on the Friday and the Monday the following week,  
16           I looked at the enlargements. I was given the  
17           enlargements by Alan Dunbar to look at. So I looked at  
18           the enlargements and looked at the whole case again and  
19           I still thought it was not an identification. I  
20           couldn't find two characteristics in agreement.

21                     So I said this to Alan Dunbar and, again, I can't  
22           recall whether it was on the Friday directly after it or  
23           the following Monday but I said to him, "Look, I can't  
24           make this identification. I can't get two  
25           characteristics in agreement", and Alan Dunbar said,

1 "Well, I think that -- you know, we're disappointed this  
2 couldn't have been discussed and we could come to some  
3 sort of conclusion about it". He said that he thought  
4 Collette Orr was disappointed I hadn't said it was  
5 insufficient for comparison but I turned round to Alan  
6 Dunbar and said, "Well, how could that be the case of  
7 being insufficient for comparison when Collette Orr  
8 found 16 characteristics in agreement and Charles  
9 Stewart found 14 characteristics in agreement and I  
10 couldn't find two characteristics in agreement".

11 I distinctly remember Alan Dunbar saying, whether it  
12 was on the Friday or the Monday, he said that, "Look,  
13 you know, we can't afford for this information to go out  
14 to other bureaux or outside the office at this time  
15 because of the sensitive nature of this".

16 Q. What did you think that Mr Dunbar would have wanted you  
17 to do? You have said that he thought that Mrs Orr was  
18 disappointed you had not said it was insufficient. Did  
19 you get any feeling there was anything in particular  
20 that he would have wanted you to do?

21 A. I got the feeling from Mr Dunbar that he would have  
22 perhaps preferred me not to say that it was an erroneous  
23 identification and that, you know, there was less than  
24 eight characteristics in the mark.

25 Q. How did he give you that impression?

1 A. Just by stating that Collette Orr was disappointed that  
2 I hadn't said it was insufficient. But there's just  
3 such a vast area of disagreement between the 16 and 14  
4 characteristics in agreement and me not finding two  
5 characteristics in agreement.

6 Q. If we can look, please, at paragraph 23, you say that  
7 you are quoting there from memory. Are you confident  
8 that those are the words that were said to you?

9 A. Most definitely.

10 Q. So how was the matter left, as you understood it?

11 A. Well, over the weekend I did go ahead and write a report  
12 and so that following week I did come in with that  
13 report and I said to Alan Dunbar that I have a report on  
14 what has happened in this case stage by stage. And it  
15 was at a time when Mr Mackenzie and Mr Dunbar worked  
16 directly outside the Chief Inspector Griffiths' office  
17 and Chief Inspector Griffiths heard that I'd got a  
18 report. He then took over the matter and got the report  
19 typed up and it was submitted to the Director, Harry  
20 Bell.

21 But after that at some point I was called in to  
22 Harry Bell's office with the Chief Inspector there and  
23 they said the matter had been dealt with and that's over  
24 now and that's all I knew. I never saw the case  
25 envelope again. It seemed to disappear.

1 I was particularly unhappy and not satisfied with  
2 the way that had been dealt with because I hoped we  
3 could all come together and learn something from that  
4 case, but that just wasn't the case. As far as I'm  
5 aware, that case was never issued, passed out to another  
6 bureau.

7 Q. If we can move, just on that theme, to paragraph 31, I  
8 think you are reflecting there that when you read  
9 Mr Bell's evidence to this Inquiry you became aware of a  
10 suggestion that the case was passed out to another  
11 force. I take it that that is the first that you had  
12 heard of that?

13 A. That's correct. During the time that I was at SCRO I  
14 never heard of that case being passed out to another  
15 bureau.

16 Q. You ask in paragraph 31 why you were not informed or not  
17 allowed to put your side of the argument forward and I  
18 wondered what it was you had in mind as to what you  
19 might have done in response had you been aware of that?

20 A. Yes, what I had in mind was we needed to sit round the  
21 table and look at the mark, look at it in a presentation  
22 way and learn from it, see what exactly had happened  
23 with that mark but that opportunity wasn't given to us.

24 Q. So you are talking there more about, I suppose, a  
25 training opportunity than necessarily you putting an

1 argument to Central Scotland Police?

2 A. Most definitely, yes -- most definitely a training  
3 opportunity.

4 Q. Again, responding to what you had learned of Mr Bell's  
5 evidence if we can look at paragraph 33, you say you  
6 refuse to accept you had personality clashes with people  
7 in the SCRO Fingerprint Bureau. You have certainly I  
8 think perhaps not described personality clashes but you  
9 have described a degree of disagreement with Mrs Orr and  
10 perhaps to some extent Mr Stewart and Mr Dunbar in  
11 relation to the disputed identification.

12 You would accept that to that extent there were at  
13 least professional disagreements with individuals?

14 A. Oh, yes, but I was disagreeing with bad practice and I  
15 was wanting to put my suggestions forward. For  
16 instance, when I started working with Cathy Deany on the  
17 volume crime cases, I quickly became aware of  
18 malpractice with documentation in that if a comparison  
19 did not reach 16 characteristics in agreement, then this  
20 comparison was documented on the case envelope as  
21 insufficient for comparison, the mark itself  
22 insufficient for comparison, and I said this was totally  
23 wrong; you're misleading on the documentation saying  
24 that it was insufficient for comparison.

25 So suggestions like that I put forward but I was

1 asking questions of procedure and shortly afterwards,  
2 shortly after my challenge, I was taken away. I was  
3 moved from under Cathy Deany on the Volume Crime Cases  
4 and moved to non-scene of crime work, which was on the  
5 ten-print LiveScan section; whereas after that  
6 challenge, Collette Orr was moved from the Volume Crime  
7 Case section to the Serious Crime Case section and, of  
8 course, on the Serious Crime section all their  
9 comparisons are second-checked, which is different from  
10 the Volume Crime section.

11 Q. You are referring in paragraph 33 to Mr Bell's  
12 perception of you having personality clashes. Is it  
13 possible that there may have been a basis for his  
14 perceiving that these professional disagreements that  
15 you had with others became perhaps embedded into  
16 something ongoing by way of disagreements with others  
17 and with the hierarchy within SCRO?

18 A. No, I had to be firm and stand by what I was seeing and  
19 I had to ask difficult questions and I had to point  
20 these things out. I mean, I think that other experts  
21 saw this as well. I mean, directly after my challenge  
22 the Chief Inspector, Chief Inspector Christopher  
23 Griffiths, issued a procedure with regard to when a  
24 possible erroneous identification. He issued a flow  
25 chart and that was the first time I had seen any sort of

1 procedure in SCRO.

2 Q. At paragraph 36 you described some further incidents.

3 Again, are these connected with the disputed

4 identification that you told us about?

5 A. No, they are not.

6 Q. When you refer to the Head of the SCRO Fingerprint

7 Bureau there are you referring, again, to Mr Griffiths?

8 A. Mr Griffiths and the Deputy Director at SCRO was

9 Mr Gorman.

10 Q. How did these incidents come about?

11 A. I think I've dealt with the one by Chief Inspector

12 Griffiths in that that was to do with a non-related,

13 non-related fingerprint matter.

14 Q. The lateness for work issue?

15 A. That's right, yes. That's when he swore at me when I

16 said that I would put a counterstatement in, a

17 counter-report in against him.

18 As far as the social function by Mr Gorman, that

19 was -- again, it's a non-fingerprint thing in that it

20 was at the retirement function of Alexander -- Sandy

21 MacLeod, I think it was, who retired from SCRO as a

22 fingerprint expert. I went along to the function and

23 Mr Gorman made a presentation speech and this was in

24 front of a number of SCRO employees and hierarchy and in

25 the presentation speech he stated that Sandy MacLeod was

1 welcome back to SCRO after his retirement to come and  
2 work as a fingerprint expert because, "... after all, if  
3 we can employ Richard Luckraft, we can employ anybody",  
4 and he said, "Is Richard Luckraft here tonight", and I  
5 said, "Yes, thank you very much".

6 Mr Griffiths then came over to me and said, "Look,  
7 don't take offence at that comment", and I did raise it  
8 later on in the office after this presentation do, I did  
9 raise it with Harry Bell, the Director, and Harry Bell  
10 just said to me, "Have you spoken to Brian Gorman about  
11 this", and that it was just a joke and I said, "It was  
12 no joke in my eyes and Mr Gorman hasn't apologised to me  
13 for that".

14 Q. What was the tone when Mr Gorman was speaking at the --

15 A. The tone I think was that I wasn't worthy as a  
16 fingerprint expert. You know, if we can employ myself,  
17 we can employ anybody sort of thing and, you know, I  
18 think -- but the fact is I was the first fingerprint  
19 expert to go to SCRO and what I saw I could only ask  
20 questions on and, you know -- I mean, if you say that,  
21 oh, what about the new fingerprint experts who went  
22 there from Northern Ireland? I don't see them writing a  
23 report or coming forward. Well, that's because I saw  
24 the SCRO at its worst and I had to stand up and ask  
25 questions.

1 Q. At paragraph 38, we come to your final meeting with  
2 Mr Bell and I think just at the start of your evidence  
3 today you said that he had asked you at the time you  
4 were leaving if you had issues to raise and you had not  
5 done so but you had gone on to write the letter that we  
6 have seen later that year in August.

7 You say that at that meeting Mr Bell threatened you.  
8 How did that come about?

9 A. That was my leaving meeting with Mr Bell and he tried to  
10 persuade me to stay but I said that I'd made my mind up.  
11 I had to get away as soon as possible and I said there  
12 was a number of difficulties during my period of  
13 employment with SCRO and a number of issues I've raised  
14 during that term and I said I was committed to leaving.  
15 Then he said to me, "If you go bad-mouthing us to  
16 anybody I will come after you and get you", and that was  
17 most definitely said.

18 Q. What was the tone of that statement?

19 A. The tone was in a threatening manner.

20 Q. There is one particular procedural matter I would like  
21 to ask you about that you have raised and that is about  
22 the use of photographs rather than lifts in the  
23 situation where there were because obviously not every  
24 fingerprint is lifted.

25 Were you aware if you wanted to see a lift itself

1           you would have been able to ask to do so?

2       A.    I never saw that happening at SCRO. I think it's most  
3           important you have the lift there so you can carry out a  
4           full analysis using the lift as well and check that the  
5           quality of the photograph correctly portrays what is on  
6           the lift.

7       Q.    Does it sometimes happen that you observe a  
8           difference --

9       A.    Sometimes, it does, yes. It could happen in the  
10          photography of the mark, yes. It could be slightly  
11          blurred. But this evidence wasn't given on a regular  
12          basis to SCRO from the Identification Bureau.

13      Q.    This is simply a function of the fact that even a  
14          photograph is a second generation image of something  
15          else and the lift itself is a generation away, in some  
16          ways, even from the mark itself because something may  
17          have been lost or some artefact may have been created at  
18          that stage?

19      A.    Yes, that's right. In all the other bureaux that I've  
20          worked in, the fingerprint has always received the lift  
21          because that is the best evidence and back then in the  
22          days of photographing and producing negatives,  
23          negatives, the negatives were received as well. Of  
24          course now it's different because with digital  
25          photography you produce the disk. But ourselves at

1 Bedfordshire and Hertfordshire receive that evidence,  
2 the lift.

3 Q. You said earlier on in your evidence that you were aware  
4 that things had changed in Glasgow as regards the  
5 Fingerprint Officers, now of course its SPSA. Do you  
6 have any personal knowledge of how things have changed  
7 since your time working for SCRO?

8 A. Well, just a simple matter. While I was there, during  
9 the latter part they obtained more comparators. They've  
10 moved to new premises, a lot better working conditions.  
11 I mean, from that stage that I was there the only way  
12 was up. The only way was to make improvements.

13 Q. But you have not had any particular personal contact or  
14 experience that -- because you have insight into how --

15 A. I have no personal contact or experience other than I  
16 was still at SCRO when they moved to Pacific Quay and  
17 the working conditions there were excellent and the  
18 equipment was excellent, you know. So I can only talk  
19 of good things at Pacific Quay.

20 MISS CARMICHAEL: Thank you, Mr Luckraft. I don't have any  
21 more questions for you at the moment.

22 THE CHAIRMAN: We normally take a break at 11.30. What I  
23 think we might do is just take it five minutes earlier  
24 so that those who may want to ask you questions can let  
25 me know what those would be and then we will sit again

1 at 11.45.

2 **(11.25 am)**

3 **(A short break)**

4 **(11.48 am)**

5 THE CHAIRMAN: Mr Holmes, if you would like to raise with me  
6 any issues that you would like to ...?

7 MR HOLMES: Thank you, sir. I would like to ask Mr Luckraft  
8 to clarify a number of parts of his statement. They  
9 fall broadly into two categories. The first relates to  
10 the culture at SCRO which he has given some evidence  
11 about already and the second relates to this particular  
12 discussion that he had involving Mr Dunbar.

13 THE CHAIRMAN: Yes. The conversation with Mr Stewart, was  
14 that something that I think on the notice you gave that  
15 you had raised --

16 MR HOLMES: It was something in the notice, sir, but it is  
17 something that my learned friend has already covered.

18 THE CHAIRMAN: You are content with the way it has been  
19 covered? Very good.

20 MR HOLMES: Indeed, sir. Bearing in mind Mr Stewart, of  
21 course, is still to give evidence.

22 THE CHAIRMAN: Yes. If you would like to ask those  
23 questions and they seem to be new matters in a sense.

24 MR HOLMES: Thank you, sir.

25 **Cross-examined by MR HOLMES**

1 Q. Mr Luckraft, firstly, if I can cover some of the general  
2 points that you raise in your statement. Paragraph 2  
3 says that you experienced a degree of peer pressure --  
4 and you have already spoken to a certain extent about  
5 that this morning -- which was directly related to what  
6 you call the push for 16 points culture that was present  
7 within SCRO.

8 What evidence can you offer that there was such a  
9 culture in place, first of all?

10 A. I think because the documentation at that time did not  
11 allow you to put a less than 16-point identification on  
12 the documentation.

13 Q. Is that what you were referring to when you say you  
14 experienced a degree of peer pressure?

15 A. Yes, that's right because basically people were just  
16 pushing it to 16 points so that it could be recorded as  
17 an identification. I think there's two other experts  
18 that do state that in their statements as well and  
19 that's Edward Bruce who says at that time we did not  
20 sign the envelope if we got less than 16 points,  
21 characteristics. They only signed the envelope with  
22 16 points in agreement.

23 Q. This is what you would characterise as peer pressure?

24 A. Yes, yes, most certainly, working to 16 points all the  
25 time.

1 Q. Is it something you ever made any sort of complaint to  
2 the management about?

3 A. I did, yes.

4 Q. Mr Bell has already given evidence and my understanding  
5 of his evidence -- I will be corrected if I am wrong --  
6 is that he saw no evidence of peer pressure within the  
7 Bureau.

8 How does that reconcile with what you have had to  
9 say?

10 A. There was peer pressure because they were working to 16  
11 points all the time and this was recognised and also 10  
12 and 10 characteristics, I was getting not just -- that  
13 was pressure from my supervisor, Cathy Deany.

14 Q. Paragraph 2 of your statement also refers to what you  
15 have referred to as an insular culture at SCRO.

16 Again, what evidence can you offer that there was  
17 such a culture in place?

18 A. Well, I was the first fingerprint expert to go there  
19 from anywhere else and a lot of their training was  
20 in-house.

21 Q. Not all of the training was in-house though, was it?

22 A. That's correct. Not all the training was in-house.

23 Q. You say that you believed that the majority of Trainee  
24 Fingerprint Officers felt uncomfortable in such an  
25 environment. Is that --

1 A. Most definitely after speaking to them, yes.

2 Q. Are the conversations that you had with Trainee  
3 Fingerprint Officers the only basis on which you say  
4 that there was any discomfort on their part?

5 A. Well, there was obviously discomfort on my part because  
6 I was recognising procedures that were wrong.

7 Q. Is there anything specific that you can point to that  
8 shows that trainees within the Glasgow Bureau were  
9 uncomfortable working within it?

10 A. I think they were uncomfortable in pushing to 16 points  
11 all the time.

12 Q. You state in the same paragraph -- and this is perhaps  
13 related -- that Trainee Fingerprint Officers were made  
14 to feel inadequate if they could not see 16 points in a  
15 comparison.

16 My clients trained at the Glasgow Bureau and you  
17 were not a trainee at the Glasgow Bureau. Is that  
18 correct?

19 A. That's correct.

20 Q. So how can you speak to trainees being made to feel  
21 inadequate if they could not see 16 points in a  
22 comparison?

23 A. Because I was speaking to them on a day-to-day basis.

24 Q. The same paragraph also states that there was peer  
25 pressure in respect of the fact that the SCRO

1 Fingerprint Bureau believed that no other Fingerprint  
2 Experts have the kind of training and experience that  
3 SCRO fingerprint experts have.

4 How does a belief in the institution in which you  
5 work translate to peer pressure?

6 A. Well, it is peer pressure because the arrogant culture  
7 breeds.

8 Q. If there was some pride within the Bureau, would that  
9 not be something that was felt by experienced officers  
10 and trainees alike?

11 A. Oh, yes, most definitely but with SCRO, there was the  
12 attached arrogance.

13 Q. Did you experience the same sort of pressure within any  
14 of the other bureaux that you have worked in?

15 A. No, I did not.

16 Q. Is the training and experience offered to officers that  
17 work within the Glasgow bureau not extensive?

18 A. How do you mean extensive?

19 Q. Is Glasgow not an extremely busy bureau?

20 A. I would say, yes, extremely busy.

21 Q. The officers within the Glasgow Bureau would specialise  
22 in comparison work rather than in comparison work and  
23 recovery work as well, for example?

24 A. Not sure about recovery work.

25 Q. Are there other officers in the country who do Scenes of

1 Crime work as well?

2 A. Yes.

3 Q. But not within the Glasgow Bureau is what I'm asking  
4 you.

5 A. They weren't doing scene of crime when I was there, no.

6 Q. No, they were doing comparison work only?

7 A. Yes.

8 Q. Again, is that degree of specialism not something that  
9 would lead to great experience?

10 A. It can lead to great experience. I've no doubt in that,  
11 but you can build yourself up too much and, again, I  
12 can't stress enough the arrogant culture that you're not  
13 capable of making a mistake.

14 Q. Where is it that your evidence of this arrogant culture  
15 comes from?

16 A. I think what I've said in previous evidence is that, for  
17 instance, Charles Stewart saying they're the best  
18 bureau, they have the best officers, they get the most  
19 experience and it's kind of this ignoring the fact that  
20 there are good officers everywhere who have got just as  
21 much experience as SCRO in dealing with high volume of  
22 cases.

23 Q. You go on in your statement to say that if a Junior  
24 Fingerprint Officer suggested a change to a process or a  
25 possible improvement in working method it was met with a

1 negative response.

2 Again, can you give me an example of that, please?

3 A. Yes, I think in Edward Bruce's statement it states that  
4 we were not paid to look at procedures and it was very  
5 much the culture of SCRO was, "Sit down and do as you're  
6 told and don't ask questions about procedures. Our way  
7 is the best way".

8 Q. You have said that if a suggestion was made it was met  
9 with a negative response. Can you give an example where  
10 an officer made a suggestion about a change to procedure  
11 and was met with a negative response?

12 A. I think there was suggestions to make things more  
13 efficient, yes.

14 Q. Are you giving evidence of a general impression that you  
15 gained or is there something specific to which you can  
16 point that suggests there was a negative response given  
17 to an officer who had suggested a change to procedure?

18 A. No, there was lots of suggestions and lots of negative  
19 responses so ...

20 Q. Paragraph 3 of your statement says:

21 "SCRO Fingerprint Bureau in general never accepted  
22 that they could be wrong during the identification  
23 process."

24 Is the reason for having procedures whereby a number  
25 of individuals will check a mark not designed so that

1 any mistake would be caught before it left the bureau?

2 A. That should be the case. Obviously in the case that I  
3 challenged that happened.

4 Q. What happened?

5 A. That it was stopped from going out the Bureau.

6 Q. Again, is the reason for having facilitated discussions  
7 not so that experts can have a chance to consider their  
8 views before the marks go out of the Bureau.

9 A. I wasn't given that chance. That didn't happen in that  
10 case. There was no facilitated discussion.

11 Q. Do you know of facilitated discussions taking place  
12 within the Glasgow Bureau?

13 A. Do I know if they do?

14 Q. Yes.

15 A. What, at present?

16 Q. No, when you were there.

17 A. Not in this case it didn't.

18 Q. Do you know whether that was something that took place  
19 on a regular basis whilst you were there? I'm not  
20 referring to any specific case?

21 A. I can only go from my experience in that it didn't  
22 happen in that case.

23 Q. So there was no other incidents in which you took part  
24 in one and you are not aware of anyone else having taken  
25 part in one; is that your evidence?

1 A. I think there were disagreements in relation to number  
2 of characteristics but I didn't hear of another  
3 erroneous identification such as the case that I  
4 challenged.

5 Q. Are you aware of a discussion like that taking place at  
6 any of the other bureaux that you have worked in?

7 A. Definitely discussions took place, yes, about number of  
8 characteristics.

9 Q. But not about disputed identifications?

10 A. They would take place if there was any disputed  
11 identifications but there were none that I was aware of  
12 while I worked there.

13 Q. You have referred to the evidence of some of the other  
14 experts. If I can refer you to the evidence of  
15 Mr Geddes who was a junior expert within the Glasgow  
16 Bureau. He said in his own evidence that junior experts  
17 were encouraged to think for themselves. How do you  
18 reconcile that with your own evidence that they were  
19 not, that they were subjected to peer pressure?

20 A. Well, I think that I mentioned that the management  
21 portrayed this culture of sit down and do as you're  
22 told. Don't ask questions.

23 Q. So when he says that junior experts were encouraged  
24 within the bureau to think for themselves he is not  
25 correct?

1 A. Not in my experience.

2 Q. You say that the work culture that you experienced

3 within the Bureau, you describe it as depraved and

4 unhealthy. What do you mean by that?

5 A. Absolutely. The way that I was treated is an example of

6 that, where I asked questions, new ideas weren't allowed

7 to flourish, it was -- the SCRO Fingerprints at that

8 time was very much a tunnel vision of doing things.

9 Q. You say also that SCRO had never taken part in the

10 external training of experts and had no input from other

11 bureaux.

12 Was there not external training of other experts

13 within the Glasgow Bureau before the NTS at Durham was

14 set up?

15 A. I think there was a tiny bit but the majority was

16 in-house.

17 Q. So is your evidence that Glasgow never participated in

18 external training?

19 A. As far as I'm aware, most of it was in-house.

20 Q. Is your evidence also that there was no training of

21 external experts in which Glasgow participated?

22 A. Sorry, could you repeat the question?

23 Q. Do Glasgow provide training for any other officers?

24 A. Outwith Glasgow, do you mean?

25 Q. Yes.

1 A. I don't know.

2 Q. Paragraph 8 of your statement mentions that you felt  
3 peer pressure and you feel that that could lead towards  
4 a bias towards identifications. That's not been  
5 something that has been identified in a number of years  
6 of reviews.

7 Are the people conducting those reviews getting it  
8 wrong?

9 A. I don't know what reviews you are referring to.

10 Q. I'm talking about the HMCIC reviews?

11 A. I think there was 25 recommendations in that.

12 Q. Is it not a normal part of the training process in any  
13 workplace for junior colleagues to defer to their more  
14 senior counterparts occasionally?

15 A. Defer in what manner?

16 Q. Is it not a normal part of the training process for  
17 junior colleagues to perhaps seek out the opinion of  
18 senior experts?

19 A. Certainly.

20 Q. Was that something that you say did not take place at  
21 Glasgow?

22 A. No, I'm not saying it didn't take place.

23 Q. So if that's a normal part of the training process where  
24 do you say the peer pressure came from?

25 A. The peer pressure came from not working to the

1 standards, ie pushing everything to 16 points and that  
2 has been borne out by other experts' statements, ie  
3 Edward Bruce and Greg Padden.

4 Q. You say in your statement that the department you worked  
5 within was volume crime; is that correct?

6 A. That's correct.

7 Q. You say in your statement that the department that you  
8 worked in did not make identifications with fewer than  
9 16 points, but other witnesses have mentioned strong  
10 suspicion, they have mentioned rules referred to as 10  
11 and 10 and they have mentioned eliminations with fewer  
12 than 16 points.

13 Is their recollection incorrect?

14 A. Can you explain by what you mean by strong suspicion?

15 Q. Is there not a concept whereby if less than 16 points  
16 are found a strong suspicion letter can be sent?

17 A. At the time I was at the SCRO that didn't happen. I was  
18 told that any idents or where you found an  
19 identification with less than 16 it was not documented  
20 on the envelope and I think that is corroborated by  
21 Edward Bruce in his statement.

22 Q. Did 10 and 10 identifications happen when you were  
23 there?

24 A. Well, my supervisor told me that we don't do 10 and 10  
25 identifications in SCRO.

1 Q. Have 10 and 10 identifications not always taken place  
2 within the Glasgow Bureau?

3 A. I can only go what my supervisor, Cathy Deany, said that  
4 we don't do 10 and 10 identifications and she was spoken  
5 to on that matter by Robert Mackenzie.

6 Q. Was it not the case that officers have always been able  
7 to assign ownership of a mark with fewer than 16  
8 characteristics?

9 A. Well, if that's the case why was it not documented on  
10 the envelope? I think you will find that Edward Bruce  
11 says that he, at the time SCRO did not sign the envelope  
12 if they found less than 16 and Greg Padden was also  
13 under the impression that you needed to go the extra  
14 lengths to find 16 characteristics so it could  
15 documented.

16 Q. So, in summary, your position is you felt pressure  
17 within the Bureau because no identifications ever took  
18 place with fewer than 16 characteristics and that if  
19 there is any evidence to the effect that that did happen  
20 that's incorrect?

21 A. They were under the impression, that team that I worked  
22 on, that less than 16 characteristics was not  
23 documented. In fact, they didn't document less than 16  
24 characteristics. And when I brought this to the  
25 attention of Alan Dunbar and Robert Mackenzie they were

1 quite shocked that this was going on and that's when  
2 Alan Dunbar states that he appended the 1953 and 1983  
3 standard to any notification.

4 Q. I will move on to the discussion that you had with  
5 Mr Dunbar. You describe a meeting with him at  
6 paragraph 22 of your statement. For the purposes of  
7 that meeting, were you asked to mark up a set of  
8 enlargements?

9 A. I was not asked to mark up a set of enlargements, no. I  
10 was asked to look at enlargements.

11 Q. With any dispute would enlargements be produced?

12 A. There was no procedure re that.

13 Q. Were the experts involved not asked generally to produce  
14 enlargements in order to facilitate the discussion  
15 between them?

16 A. Not that I'm aware of.

17 Q. When it was explained that a discussion was to take  
18 place that was prior to the weekend; is that correct?

19 A. It was either prior to the weekend -- which discussion  
20 do you mean?

21 Q. The discussion that you have already described with  
22 Mr Dunbar.

23 A. I think it was prior to the weekend and after the  
24 weekend.

25 Q. Was it intimated to you that a discussion was to take

1 place prior to the weekend and then the actual

2 discussion took place following the weekend? Is that

3 the evidence that you have given of it?

4 A. Which discussion?

5 Q. The discussion with Mr Dunbar on the disputed mark that

6 you described earlier in your evidence.

7 A. The discussion took place before the weekend and after

8 the weekend.

9 Q. In the portion of the discussion that took place after

10 the weekend, did you produce to Mr Dunbar a written

11 report?

12 A. I did.

13 Q. What was Mr Dunbar's reaction to the production of that

14 report?

15 A. He didn't have much time to have a reaction because the

16 Chief Inspector Griffiths jumped in and took over.

17 Q. Did the involvement of Chief Inspector Griffiths not

18 come about as a result of your producing a report over

19 the weekend?

20 A. All I can say is that Chief Inspector Griffiths jumped

21 in and took over.

22 Q. I see. Do you know what the eventual outcome of that

23 case was?

24 A. As far as I'm concerned, there was no further action.

25 Q. Do you know whether the mark was sent out to be checked

1 elsewhere?

2 A. I don't. I didn't hear of that. I'd be very, very  
3 disappointed if I was not made aware that that case had  
4 been passed to another bureau. I know Harry Bell states  
5 that it was but I would be absolutely sure that somebody  
6 would have told me that would have happened. So, in my  
7 opinion, I don't believe that happened. I believe that  
8 that was a wrong identification and it never, never left  
9 the Bureau so ...

10 Q. How do you account for Mr Bell giving evidence that it  
11 was sent out?

12 A. I think he's just mistaken in his recollection.

13 Q. Paragraph 56 of your statement says that you witnessed a  
14 case where marks were left on a comparator machine. You  
15 describe this as bad practice.

16 Do you have any evidence that this was a matter of  
17 practice or if this was a single incident?

18 A. All I can speak to is that it happened to me once and  
19 that was when my supervisor Cathy Deany made an  
20 identification, put the marks on the comparator and left  
21 the characteristics marked on the comparator. But I was  
22 aware, talking to individuals, that it was a practice  
23 that had happened prior to me arriving.

24 Q. How do you account for the fact that there were  
25 facilitated discussions taking place between experts and



1 Q. You had sight of the report, did you?

2 A. I have seen the report on the Internet, yes.

3 Q. Perhaps you can just confirm to us what the conclusion  
4 of that report was from the Grampian Bureau?

5 A. The conclusion was that Y7 was not made by Shirley  
6 McKie.

7 Q. Have you yourself examined the mark?

8 A. I haven't examined the original productions.

9 Q. But you have examined some productions?

10 A. I have examined a copy of the mark which I believe -- if  
11 I go back to when I was employed at Aberdeen, the then  
12 Head of Bureau, Terrence Major, received a copy of Y7  
13 from Martin Leadbetter and I was shown this at Aberdeen  
14 and, yes, I made an examination of that copy.

15 Q. I wonder if you can indicate to us what your view was?

16 A. My view was that it was a wrong identification and it  
17 was -- my opinion is that it was such an obvious wrong  
18 identification as well, there was so much disagreement.

19 Q. I am hampered without the LiveNote. Did you say that  
20 some information had come from Mr Leadbetter's  
21 department?

22 A. It did, yes. It was sent from Martin Leadbetter to  
23 Terrence Major, who was the Head of Bureau at Aberdeen.

24 MR SMITH: Thank you.

25 THE CHAIRMAN: Miss Grahame?

1 MISS GRAHAME: No, thank you, sir.

2 THE CHAIRMAN: Do you have any questions?

3 MISS CARMICHAEL: No, thank you, sir.

4 THE CHAIRMAN: Could I just ask you to deal with a couple of  
5 matters. Did you go straight from Aberdeen to Glasgow?

6 A. Yes, I did.

7 THE CHAIRMAN: So you were in Aberdeen, you began there in  
8 April 1993 and then you came to -- in January 2000?

9 A. That's correct yes, sir.

10 THE CHAIRMAN: So you would have been very conscious, I  
11 presume, indeed, from your most recent answers that you  
12 were coming into the Scottish Criminal Record Office at  
13 a time when there would have been great sensitivity  
14 about the McKie case and, indeed, you were reassured or  
15 an effort was made to reassure you about joining. So  
16 you were coming in as a new person, one of the first I  
17 think you said from outside, into an atmosphere very  
18 much in the wake of the McKie case where there would  
19 have been great sensitivity in the office in Glasgow?

20 A. Mmm.

21 THE CHAIRMAN: And no doubt a certain closing of ranks and  
22 trying to reassure themselves, if not others?

23 A. Hmm.

24 THE CHAIRMAN: And it was in that atmosphere, was it, that  
25 people were saying, "Well, we are the best and we are

1           outstanding", and so on?

2       A.   **(Nodded)**

3       THE CHAIRMAN:   Is it possible that there was an element of  
4           having been under attack, so to speak, people were  
5           reassuring themselves by making these statements about  
6           how good they were and how they did not make mistakes?

7       A.   Yes, I'm sure it was a reassurance within themselves and  
8           I think you're right. Perhaps they did feel that they  
9           were being attacked unnecessarily.

10                I must admit that after receiving that phone call  
11           from Christopher Griffiths before I started at SCRO, I  
12           did truly believe the whole thing would blow over and  
13           there would be some perfectly reasonable explanation why  
14           this had happened and every party involved would have  
15           got together and, you know, come to some conclusion and  
16           hopefully sort the thing out but, unfortunately, that  
17           just never happened and of course, yes, I went to SCRO  
18           because I wanted to continue a fingerprint-only career  
19           and I believe that the best chance to get to a Senior  
20           Fingerprint Officer was to go to a big bureau because  
21           there would be more positions. But I did, kind of, go  
22           to SCRO perhaps at its worst and most sensitive time,  
23           definitely. And it was sort of getting a lot of  
24           negative from the papers as well. So you can  
25           understand --

1 THE CHAIRMAN: I'm just trying to --

2 A. -- the protection.

3 THE CHAIRMAN: -- put myself back into the position nine  
4 years ago, which is always very difficult or indeed I am  
5 sure it is difficult for you.

6 What I was just wondering was in that position,  
7 where people maybe were a bit raw in their feelings  
8 about having been under attack, it really called for a  
9 great deal of tact to be suggesting changes that should  
10 be made, did it not?

11 A. It did. On reflection it was just such a difficult time  
12 and perhaps the experts there at the time, they weren't  
13 used to somebody coming in and sort of asking questions  
14 and sort of saying, "Why do we do it this way? Why do  
15 we do that". There was lots of little intricacies in  
16 the procedure. Of course, I wasn't shown any procedure  
17 either and I think that they really had suffered.

18 They'd been really under the mill, the Bureau, and  
19 they'd had the poor police management as well which, you  
20 know, is bound to affect anybody and the heavy workload  
21 was unbelievable. I've never seen a backlog like it.

22 So there was pressure on people and when you're working  
23 in such a tightly-knit environment where we were more or  
24 less sitting right next to each other, no room, you  
25 know, and really, really poor management that ...

1 I believe that the SCRO Fingerprint Bureau served a  
2 function for Strathclyde Police officers to obtain  
3 promotion into and serve a little time there and I think  
4 that was borne out by those senior Strathclyde Police  
5 officers getting promotion into those positions. Of  
6 course they weren't au fait with fingerprint procedure  
7 or anything about fingerprints and, therefore, I do  
8 truly believe that SCRO suffered from mismanagement  
9 catastrophically.

10 THE CHAIRMAN: At the top level?

11 A. At the top level, yes.

12 THE CHAIRMAN: If I could come now to a totally different  
13 topic and that is about the use of the comparator. You  
14 say that part of the culture was that the use of the  
15 comparator was thought to be a sign of weakness.

16 When a verification was being done, did the person  
17 begin, the examiner, begin all over again at that stage?  
18 I am trying to get clear in my mind whether one looked  
19 at a comparator at what the previous expert had found  
20 and could then say, "Well, I can see all those points  
21 and therefore I will verify it", or whether that's a  
22 wrong impression if one had that and I'm not saying I  
23 have that. But it would be wrong to get that because  
24 you say using comparators was more taboo, it was thought  
25 of as not a good thing to do?

1 A. Yes. I think certainly from my discussion with people,  
2 especially trainees, it's kind of frowned on to use --  
3 not frowned on, looked at as a bit of a weakness.  
4 Certain people would use the comparator more than  
5 others, obviously, but it seemed to be looked upon as a  
6 weakness.

7 THE CHAIRMAN: But when you were doing a verification, did  
8 you go back to the beginning? I'm not saying you but  
9 was the practice to go back to the beginning and make  
10 your own examination rather than checking somebody  
11 else's on a comparator? If you see the distinction.

12 A. Yes, I do, yes. Definitely, you should always start --  
13 well, I always started all over again and then I would  
14 use the comparator from a blank.

15 THE CHAIRMAN: I was really asking whether you noticed  
16 whether that was the practice with others to do that, so  
17 far as you were aware?

18 A. As far as I'm aware, well, I can only go that it did  
19 happen to me once and the points were left on the  
20 comparator screen for me to look at. Of course I  
21 brought it to the attention of that person and said,  
22 "Look, I'm going to wipe them clear and start again".

23 THE CHAIRMAN: I take your point that you ought to go back  
24 and look at it. All I am trying to see was whether  
25 people would, in that office, have looked just at the

1            comparator for a verification to see whether they could  
2            agree with the points that someone else had found or  
3            whether when you say the comparator was badly thought of  
4            as an instrument that, in fact, that you never saw that  
5            happen.

6        A.    I couldn't say for certain. I mean, quite possibly it  
7            did happen where people would only look at the  
8            comparator.

9        THE CHAIRMAN:    But you can't go beyond that?

10       A.    I can't say for certain, no.

11       THE CHAIRMAN:    The last thing I wanted to ask you was at the  
12            end of your statement when you described the incident  
13            about, on your departure, what was said to you. Did you  
14            take that any further or was that just as you were going  
15            you just left it at that?

16       A.    No, I didn't take it any further. Perhaps in hindsight  
17            I should have done but with there only being myself and  
18            Mr Harry Bell in the offers when he said that I think  
19            it's a case of his word against mine. So it would be  
20            difficult.

21       THE CHAIRMAN:    I am right in thinking that you then went to  
22            your next post, it was really a promotion, you became a  
23            senior examiner then?

24       A.    I did, yes, and I've been there for eight years, just  
25            over eight years now.

1 THE CHAIRMAN: Thank you very much and thank you for coming  
2 today and assisting the Inquiry.

3 A. I wonder, there was one little thing. What I did bring  
4 with me -- and I don't know if it might assist the  
5 Inquiry -- this is just -- I know with the fingerprint  
6 community in the UK that we don't have time to use IT as  
7 much as we perhaps would like to in terms of  
8 presentations and stuff. If I can just briefly show you  
9 what Bedfordshire do.

10 Every fingerprint expert in Bedfordshire has a  
11 visual aid that they make up themselves and --

12 THE CHAIRMAN: Would you like us to put it on the screen so  
13 that everyone can see it in the hall?

14 A. If that's possible, yes. **(Handed)**

15 What it is it is just a generic visual aid. Every  
16 fingerprint expert in Bedfordshire certainly has put one  
17 of these together and --

18 THE CHAIRMAN: Is this for the purpose of a criminal  
19 proceeding or --

20 A. For going to court, yes. It's actually up the wrong  
21 way. Thank you.

22 You will see that these are enlarged photographs.  
23 The one on the left is the scene of crime mark, the  
24 enlarged photograph. I've actually brought the lift  
25 with me here today as well so we would actually look at

1 the lift as well during that analysis.

2 The scene of crime mark, as you can see, has been --  
3 the board around it leaves plenty of space of the  
4 background so we're not putting into any ridge  
5 information. So once it's cut down you're not blocking  
6 off any information.

7 Then you have the print, the enlargement of the  
8 print, on the right-hand side. In this particular  
9 visual aid, we're showing the Scene of Crime mark and  
10 the print as they are without any markings of the  
11 characteristics. So we can see some smudged area in the  
12 centre and pressure distortion but the mark, I would  
13 say, was of reasonable quality.

14 If we turn over the next page, please, you can just  
15 flip from one page to the other and just see the  
16 characteristics that are not marked on the previous page  
17 and see if they are in the right position on the next  
18 page.

19 So, for instance, if we start on the left-hand side  
20 you have a ridge ending going down, follow the next  
21 ridge along and there's a ridge ending going up. So you  
22 can clearly see those ridge endings. Then if you follow  
23 those two ridge characteristics on the left, the bottom  
24 one, if you follow that ridge down and it ends at  
25 another ridge ending.

1                   So I was just wondering if the Inquiry was  
2                   interested in just how -- what we would take to court.

3       THE CHAIRMAN:   How you present, when you are presenting your  
4                   evidence, this is made available to the jury, is it?

5       A.   That's right, yes. Obviously, it's a generic one. If  
6                   the jury then want to see the specific identifications  
7                   in the case, then we would have to go away, mark them up  
8                   and come back with those but this does serve a purpose  
9                   in it illustrates the scene of crime mark unmarked as a  
10                  sort of a quick flipping of the pages.

11                 But, as I say, every expert in Bedfordshire has  
12                  something similar. They might, sort of, have a few  
13                  words of explanation on it as well but I just thought  
14                  this might help.

15       THE CHAIRMAN:   Thank you very much.

16       MISS CARMICHAEL:   Sir, since Mr Luckraft has been good  
17                  enough to bring this along, with your leave, I wonder if  
18                  I might just ask a couple of follow-up questions arising  
19                  from it?

20       THE CHAIRMAN:   Yes.

21                                 **Re-examined by MISS CARMICHAEL**

22       Q.   I take it from what you have just said, Mr Luckraft,  
23                  that this is all that one would normally take to court.  
24                  There wouldn't normally be a charting of a mark prepared  
25                  in advance?

1 A. No, there wouldn't be a charting of a mark prepared in  
2 advance. We would just take this along to court.

3 Q. You said that if the jury wanted to see something else  
4 you would go away and prepare something else. I'm just  
5 wondering, first, whether that has ever come about in  
6 your experience and, second, how that is managed as a  
7 matter of procedure in the event that it does happen?

8 A. It has happened in Bedfordshire, yes, where a couple of  
9 fingerprint experts have had to go away and produce a  
10 charted enlargements of the actual identifications in  
11 that case, yes.

12 Q. Just asking a little more about this, do you know  
13 whether that came about as a result of a request from  
14 the prosecution authority rather than perhaps something  
15 raised by a jury which, certainly in Scottish  
16 experience, would be a relatively unusual thing?

17 A. I see what you mean, yes. I think it was the  
18 prosecution or the defence would ask for that, yes.

19 Q. One more question about your preparation for court,  
20 Mr Luckraft: when you go about your work of preparing  
21 comparisons do you keep working notes of what you are  
22 seeing as you go along?

23 A. As a rule, no, with sort of basic day-to-day work but if  
24 there is movement or pressure distortion, then we do  
25 make notes if it looks as though it's a particularly

1           difficult examination.

2       Q.    At what stage do you make those notes? We've heard  
3           about the ACE-V procedure. Would that be at the stage  
4           of your analysis or at the stage of your comparison or  
5           at the stage of your evaluation?

6       A.    It can be made at each of those processes and also when  
7           we get a request for fingerprint evidence from the  
8           prosecution, we would also make notes there as well.

9       Q.    Do you make either the notes made at the earlier stage  
10          or any notes that you're making once you know the case  
11          is going to court available to the prosecution or the  
12          defence?

13      A.    I think they are mainly made at the point where we know  
14          the case is going to court but I have been part of  
15          making notes at the earlier stage as well.

16      Q.    Do you provide those, sorry, to the prosecution  
17          authorities, your notes?

18      A.    Yes, there is full disclosure. What we do produce as  
19          well is a standard format in listing everything involved  
20          in that case. So there's a list of disclosure.

21      Q.    You have referred on a number of occasions to what we do  
22          both in relation to the generic illustration and in  
23          relation to note-taking.

24                 First, in relation to the question of illustration,  
25          is there a force policy on the matter as to how this is

1 to be done?

2 A. No, there isn't a force policy and there isn't a  
3 national policy.

4 Q. In relation to your taking of notes, is there a policy  
5 where you work relating to that or is it a case of  
6 everything man following his own instinct as to what's  
7 necessary?

8 A. There isn't a policy on that and I don't believe there's  
9 a national standard on that, a national policy on that  
10 either.

11 Q. Again, I come back to the use of your word "we",  
12 Mr Luckraft, because I can understand if you're telling  
13 us about your own practice as to note-taking but I think  
14 you did say -- I don't have the LiveNote in front of me  
15 but I think you said "we do" in that context as well and  
16 I'm just wondering where the collective comes from if  
17 there is not a policy?

18 A. Right, well, yes, I mean that is something that we do in  
19 the Bedfordshire Bureau but I couldn't account for what  
20 happens elsewhere.

21 Q. Why is it done in the Bedfordshire Bureau collectively?  
22 Is there any particular training within your Bureau that  
23 directs people to do it or a particular instruction  
24 within your Bureau about that?

25 A. I think it's down to the training and it could possibly

1           be mentioned in the procedure, in that any note should  
2           be taken at the time.

3       Q.    It was my fault, I did not catch the very last thing you  
4           said there, Mr Luckraft.

5       A.    It could be the case that notes to be taken is detailed  
6           in the procedure, in the Bedfordshire procedure.

7       Q.    But that is not something that you can tell us off the  
8           top of your head, as it were?

9       A.    I can't recall what part of the procedure it would be  
10          but ...

11      Q.    In any event, you are describing what goes on as a  
12          matter of practice?

13      A.    As a matter of practice, yes.

14      THE CHAIRMAN:   Have we a sufficient record of the example of  
15          that we can give the book back to ...?

16      MISS CARMICHAEL:   I wonder if we might be permitted to take  
17          a photocopy of it so we can have a record of what has  
18          been displayed here but I wouldn't want to deprive Mr  
19          Luckraft of it.

20      A.    I can provide a photocopy. There is one for you.

21      MISS CARMICHAEL:   That is very kind of you.

22      THE CHAIRMAN:    Maybe if you give it to some member of the  
23          staff before you leave that would be very helpful.

24          Thank you very much indeed.

25      MISS GRAHAME:    Sorry, Mr Chairman, before Mr Luckraft's

1 invited to leave, there is a matter which I wonder if I  
2 could be allowed to ask a question about. It arises as  
3 a result of the questions Miss Carmichael raised.

4 THE CHAIRMAN: Certainly.

5 **Cross-examined by MISS GRAHAME**

6 Q. I would like to ask you one or two questions,  
7 Mr Luckraft, about the procedure in England.

8 Can I clarify one thing with you. You have talked  
9 about preparing written notes before a trial.

10 A. Yes?

11 Q. And giving the Crown Prosecution Service full  
12 disclosure.

13 A. **(Nodded)**

14 Q. Do the Crown Prosecution Service have a report from you  
15 in relation to any identification?

16 A. They have the statement.

17 Q. Is it a statement rather than a report?

18 A. It is a statement, yes.

19 Q. Can I ask, in Scotland we have a procedure known as  
20 taking a precognition from an expert, which is when the  
21 expert will meet with the prosecutor, in Scotland the  
22 Fiscal, and discuss a statement or a report with the  
23 Fiscal and go into some further explanation about the  
24 reasoning.

25 Do you have a similar process in England or in

1 Bedfordshire?

2 A. I'm not sure, to be honest with you.

3 THE CHAIRMAN: Do you make a deposition in criminal  
4 proceedings in England? For example, if you are giving  
5 evidence. You see, a precognition is not a signed  
6 statement. It is what somebody else records as being  
7 your evidence. My experience would be closer to the  
8 English practice, which would be that you would have a  
9 deposition, which is a sworn statement --

10 A. That's right.

11 THE CHAIRMAN: -- by the witness in the proceedings, which  
12 is served on the defence before the proceedings  
13 commence.

14 A. That's correct, yes. That's my experience at  
15 Bedfordshire, yes.

16 MISS GRAHAME: So the statement you mentioned is actually a  
17 signed deposition.

18 A. Correct, yes.

19 Q. And there is no meeting between you and the prosecutor  
20 where the prosecutor will take notes and prepare what's  
21 known in Scotland as a precognition?

22 A. No, no, that doesn't happen.

23 Q. So the prosecutor has your statement or deposition plus  
24 your handwritten notes?

25 A. They wouldn't necessarily have the -- yes, they would.

1 Yes, they would -- full disclosure, yes.

2 Q. Is that if they are only going to trial?

3 A. That's correct, yes.

4 Q. Do they also receive that if there's a plea agreed or  
5 the case isn't proceeding to trial?

6 A. No, they would only receive the statement and a  
7 disclosure report and a list of what we hold but that  
8 wouldn't be made available to them unless it was going  
9 to court, going to trial.

10 Q. Is that the written notes wouldn't be made --

11 A. That's right.

12 MISS GRAHAME: Thank you very much.

13 THE CHAIRMAN: I think now we can finally let you go. Thank  
14 you very much, Mr Luckraft.

15 **(The witness withdrew)**

16 **ALLAN JOHN BAYLE, sworn**

17 THE CHAIRMAN: Could we have your full names, please?

18 A. Allan John Bayle.

19 THE CHAIRMAN: Take a seat, please.

20 **Examined by MISS CARMICHAEL**

21 Q. Please make yourself comfortable with the microphone and  
22 bring it as close to you as you can because that makes  
23 it easier for everybody to hear.

24 Mr Bayle, before we turn to your statement and the  
25 rest of your evidence, I understand you have brought

1 along today some transparencies and some images which  
2 the Inquiry has not seen before.

3 A. Yes. I mentioned it in my statement that I didn't know  
4 where they were but Sunday night I was looking for  
5 another case and I found them, which was excellent  
6 because it shows -- what I've actually learnt over the  
7 years now as an instructor and I was given the  
8 opportunity to go to America to learn the new techniques  
9 in fingerprint identification. I did the research for  
10 New Scotland Yard and it taught me a lot on how to do  
11 modern marking-up without using lines. The reason for  
12 this was to let the jury and the judicial in the court  
13 make the decision by looking at shape. Shape is very  
14 important when you are actually making identifications.

15 I mean, I've asked quite a few people. I've said,  
16 "Okay, look at the normal identification with the  
17 lines". They're not looking at the ridge  
18 characteristics. They are looking at position of the  
19 lines. This technique I got from David Ashbaugh because  
20 he taught me how to concentrate on shape and how to make  
21 it easier for juries by using shape to actually use the  
22 identification themselves without looking at lines.

23 You don't need a table, characteristic table,  
24 because the way I've actually done it using shape. And  
25 that's the reason why I'm glad I've found these because

1           they are very important and we actually used them for  
2           the first time in the United Kingdom at the Lockerbie  
3           Inquiry and I hope they haven't lost them because it's  
4           the first time we ever used this type of marking up in  
5           this country and it is very effective.

6        Q.    What I would like to do is take this opportunity to get  
7           on the record what it is you have brought us.

8           I am conscious that we are coming to lunchtime.  
9           That may give others who have not seen them before  
10          either, sir, an opportunity to see them and see what  
11          significance they may have. I should say they are as  
12          new to me as they are to anybody else in the room.

13          I understand you have brought two enlarged  
14          photographic images; is that correct?

15        A.    Yes, I have, yes.

16        Q.    Is one of them an image of mark Y7?

17        A.    Yes, it is.

18        Q.    I wonder if you could simply at this stage hold it up.  
19           As I say, over lunchtime there will be the opportunity  
20           to circulate this. If we could just see broadly what it  
21           is you have with you.

22        A.    That's an enlargement of Y7.

23        Q.    It looks as if it has been copied from something that  
24           has perhaps been comb-bound on the left?

25        A.    That's just -- that was taken from the actual mark

1           itself. This is a Pat Wertheim mark, by the way, so  
2           it's an enlargement of actual Y7.

3       Q.    You said it was a Pat Wertheim image so --

4       A.    Yes. It was taken from that image. I think it was the  
5           second time he photographed it. When I went with him he  
6           photographed it and then I got it enlarged at New  
7           Scotland Yard.

8       Q.    So this would have been an image taken, what, in early  
9           2000?

10      A.    Whenever it was when I was with him. He took another  
11         photograph of the actual mark itself.

12      THE CHAIRMAN:   April 2000?

13      MISS CARMICHAEL:   I think there was a stage when you and  
14         Mr Wertheim in about maybe March or April 2000 together  
15         viewed productions from the Asbury trial; is that  
16         correct?

17      A.    Yes, but he also -- I can't even remember if I was with  
18         him or not when he actually took the photograph again.  
19         I just can't remember, but I think he took another  
20         photograph of it and that image -- and I got it enlarged  
21         because I wanted to work on it anyway.

22      Q.    Do you understand that to be a photograph that was taken  
23         of the doorframe itself or a photograph of a photograph?

24      A.    I think it's the enlargement of the-photograph.

25      Q.    Sorry, I'm not asking the question sufficiently clearly.

1 But that photograph derives from somebody pointing a  
2 camera at the doorframe rather than at anything else?

3 A. Yes.

4 Q. You obtained the enlargement through New Scotland Yard,  
5 you said?

6 A. Yes, I used their photographic section. I didn't tell  
7 them what it was, by the way. I just said I wanted it  
8 done, you know, so ...

9 Q. You have also with you an enlarged photographic image of  
10 a left thumbprint from Shirley McKie?

11 A. That's right, yes.

12 Q. Where did you get that?

13 A. That was taken from the fingerprint form whenever -- I  
14 don't know. I can't remember now. It was so long ago,  
15 but I got the image there so I had that enlarged as well  
16 and then I could work on them.

17 Q. So do I understand you to be saying that you yourself  
18 had that enlarged from a fingerprint form?

19 A. No, it's from a photograph. That was also from a  
20 photograph. I'm not too sure. It's such a long time  
21 ago. I just can't remember but all I know is that it  
22 was a copy of the actual image there. I just can't  
23 remember. I just can't remember. But it is one of  
24 Shirley McKie's left thumb anyway.

25 Q. Do you know how you got the image? If you can't

1 remember you can't remember and I appreciate this is a  
2 long time ago but can you recall where you got the image  
3 that you copied the left thumbprint from?

4 A. Well, I've had to get it from Pat or somebody so I'd say  
5 it's probably from Pat Wertheim.

6 Q. Again the enlargement was done by ...?

7 A. New Scotland Yard.

8 Q. You have brought some transparencies with markings on  
9 them with you as well.

10 A. From this, I mean, this is the first one I did of the  
11 actual mark.

12 Q. I am just going to try to get this into the record in  
13 some way, Mr Bayle. What we've got are two acetates one  
14 sellotaped on top of the other?

15 A. I've got one of top of the other. There's two things to  
16 this technique. The first thing is to actually, via  
17 the -- like you've got on the computer here were you use  
18 the cursor to follow the ridge detail, I actually use a  
19 pen to follow the ridge detail so it actually gives me  
20 this image.

21 Q. So you are showing the lower, if I can call it that, of  
22 the two transparencies which has a series of what appear  
23 to be green ridge tracings on it with a gap about  
24 two-thirds of the way up in a roughly rectangular shape?

25 A. That's right. That's the area that I couldn't find any

1 ridge detail. I've got a funny feeling now the reason  
2 why I did this was for a press conference to show them  
3 the technique that hasn't been shown before in public.  
4 I wanted to explain -- I mean, I've actually put this on  
5 top of that and ... I'll explain that later.

6 Q. If I can stop you there, could I ask you to show us the  
7 top transparency, the smaller one, separately from the  
8 second one just so we can see?

9 A. Okay, this has got triangles and circles on. The  
10 triangles represent bifurcations and the direction it's  
11 going in. So the apex is actually where the bifurcation  
12 is. The circles are ridge endings and we use other  
13 shapes as well for other things, like short independent  
14 ridges I'll do a square. So you can do the shapes to  
15 your advantage to show the judge and jury and it's very  
16 effective.

17 So, in fact, when you actually put the circles and  
18 the triangles on to the lines I've actually drawn there,  
19 it actually explodes there what it's actually looking at  
20 so you've got the ridge ending or the bifurcations.

21 Q. Is this something that you prepared from tracing the  
22 photograph of the mark Y7 that you have brought with you  
23 today? (EE0001 to EE0008)

24 A. Yes.

25 Q. You say you prepared those for a press conference?

1 A. Yes, a press conference, I'm pretty sure it was for a  
2 press conference.

3 Q. I perhaps do not need to ask you any more about those at  
4 least at this stage and perhaps the lunchtime break will  
5 give others the opportunity to see whether they are  
6 interested in asking you anything further about that  
7 also, Mr Bayle.

8 You have prepared a statement for the Inquiry and  
9 you have signed that.

10 A. I did, yes.

11 Q. Are you happy, subject to anything that you may say to  
12 elaborate on it or that differs from it today, to adopt  
13 it as your evidence?

14 A. This is my evidence.

15 Q. Could we have, please, FI0154, which is Mr Bayle's  
16 statement. I would like to look at paragraph 8, please,  
17 where you tell us about how you first became involved  
18 with mark Y7.

19 A. Yes. I was sent over to Canada by the Lockerbie  
20 prosecution team.

21 Q. Ah, there is perhaps something I need to clarify with  
22 you immediately because your statement says the  
23 Lockerbie defence team and I confess that was something  
24 that had confused me slightly since you seemed to be  
25 working for the police at the time.

1 A. Sorry. Yes, it was the prosecution team because they  
2 were very aware that because of the 16-point standard it  
3 might not be accepted in the court in Scotland. So I  
4 was approached by Bruce Grant who was in charge of the  
5 terrorist team there at New Scotland Yard.

6 Q. I don't need perhaps to ask you too much about the  
7 detail of your involvement in another case. I don't  
8 think that necessarily would be appropriate but --

9 A. Okay, so I was asked by the prosecution to do a report  
10 and to do a marked-up on the impressions there which I  
11 did.

12 My biggest problem was there was nobody else in the  
13 UK that could check my work and do the second checking  
14 of my report and my marking-up. They sent me over to  
15 Canada with David Ashbaugh and he checked my report, my  
16 marking-up and that was very good for me because he  
17 taught me a lot in one week which he never teaches  
18 anybody else. It was a one-to-one and he taught me this  
19 way of actually marking-up and report-writing as well.

20 Q. So when you are talked about this way of marking up you  
21 are talking about the sort of ridge tracing you have  
22 shown us on the transparencies you have brought along  
23 today?

24 A. That's correct, that's correct and during that week he  
25 said, "Have you seen this mark", and I said, "Well, I

1 have seen it before but I didn't take any notice", and  
2 the reason why I said I'd seen it before is because it  
3 was on various teams' walls at New Scotland Yard and  
4 people were talking about it and -- but because I was  
5 instructed at the Police College in Hendon I didn't take  
6 any notice. I had my own problems to deal with without  
7 looking at somebody else's work so I ignored it. But  
8 when I went to Canada and David Ashbaugh said, "Take a  
9 look at that. What do you think". So I looked at it, I  
10 examined it I said, "Well, it's not, identical. They're  
11 not identical".

12 So he said, "Well, what are you going to do about  
13 it?" I said, "What do you want me to do about it".

14 Q. He asked you what you were going to do about it?

15 A. That's right because I was well-known, in America and  
16 various other places as an instructor and I taught the  
17 US Army and various other organisations, whatever. So I  
18 didn't think any more about it and I went back to the  
19 UK and I had a thought about it and I still see it on  
20 people's walls so I decided, well, I'll think about it  
21 and see if anything happens.

22 Anyway in that time, David Ashbaugh was invited to  
23 come over to do some lectures on ridgeology and I was  
24 chosen to do the courses with him and we did four  
25 courses. We did two in London and two in Durham.

1                   He decided we'll show this Y7 to all the students  
2                   except for the last one because there was two from SCRO  
3                   who were on the last one. We had a problem with the  
4                   fourth one -- oh, Jeff Sheppard was working with us, by  
5                   the way, from Durham -- and we decided not to show them  
6                   Y7 because of these two SCRO people were there and then  
7                   Jeff Sheppard interrupted us and said, "Look, we've had  
8                   some officer in the hierarchy from SCRO complaining that  
9                   we're showing the mark". So David Ashbaugh said, "Look,  
10                  it's on the Internet. It doesn't make a blind bit of  
11                  difference. Tell him it doesn't make a difference, it's  
12                  on the Internet". So that was that.

13                  Anyway, after --

14    Q.    If I can stop you there, there is something I would like  
15           to ask you about that because if I have understood  
16           Mr Sheppard's position, it was that he was not aware  
17           until there was some complaint about the matter that Y7  
18           was a mark that you were using on these courses?

19    A.    Yes, we showed it to every course, so three courses we  
20           showed it to.

21    Q.    What I'm trying to get at is Mr Sheppard's position, if  
22           I am reflecting this correctly, is that he was not aware  
23           that he was dealing with Y7 at the time that you were  
24           presenting these courses.

25                  Is that something where your recollection and his

1           differs?

2       A.   Well, I mean sometimes he wasn't in the -- because he  
3           went away and then came back or whatever but we did show  
4           it and, in fact, one of the students was Martin  
5           Leadbetter on the first course and we showed it to him.  
6           Now then, he said, "Well, I know somebody that's saying  
7           it's definitely ident". So we said, well, we knew who  
8           that was. So fair enough but that's all he said. But  
9           he was one of the students and he saw it and we gave  
10          each student a copy of it. We had lots done of the mark  
11          and we asked them to look at it. Not one of them found  
12          it ident.

13                 That was the position of that. After all this had  
14                 finished, I then went to management and I said, "What  
15                 are you doing about the McKie mark".

16   MISS CARMICHAEL:   If I can stop you perhaps before we go on  
17                   to that because I think we may come back to those  
18                   courses briefly after lunch. This might be a convenient  
19                   point to break.

20   THE CHAIRMAN:   Yes, we will break now and sit again at 1.50.

21   **(1.00 pm)**

22                                 **(Luncheon Adjournment)**

23

24

25