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DCI Heath re Shirley Cordwell detail 7/4/97

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S T R A T H C L Y D E P O L I C E

Division: 'U'

Station: C.I.D. KILMARNOCK

Date: 7 April 1997

Ref: U/SH/MMcD/68

SUBJECT: **DETECTIVE CONSTABLE SHIRLEY CARDWELL, REGD. NO. 101265
STATIONED AT 'U' DIVISION C.I.D. SALTCOATS**

1 I refer to the above subject and to my previous report dated 14 February 1997 regarding the fingerprint identification of Detective Constable Cardwell found within the Murder locus at 43 Irvine Road, Kilmarnock.

2 The reporting officer is aware that Detective Constable Cardwell is currently off duty, certified sick, suffering from 'Nervous Debility'. During her absence, due to changes in personnel within the Department and to the situation surrounding her fingerprint identification, she has been transferred from 'UC' CID at Kilmarnock to 'UB' CID at Saltcoats.

3 The reporting officer is also aware from discussions with the Precognition Officer dealing with the case against David Asbury, that Detective Constable Cardwell has clearly stated that she accepts that the fingerprint found within the Murder locus is hers, but that she did not put it there. In other words, her evidence at the High Court Trial of David Asbury scheduled for 15 May 1997 at Glasgow High Court, will be that her fingerprint was 'planted' at the location by Police or Scenes of Crime Officers who mistakenly placed her print there instead of one belonging to the accused David Asbury. This therefore infers a conspiracy by Strathclyde Police in attempting to pervert the course of justice in the case against David Asbury Redacted

Redacted

4 Detective Constable Cardwell with her police service and training, must obviously be aware of the effect of such evidence given by her, on a Jury, particularly in a case which relies on fingerprint evidence. The reporting officer and many other people involved in the case, are of the very strong opinion that her evidence will be sufficient to place enough doubts in the minds of the Jury resulting in the acquittal of David Asbury or at the very most, a Not Proven verdict.

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Redacted

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Detective Constable Cardwell's position is therefore a major blow for the prosecution and the reporting officer submits that if her evidence is given as described, then the Trial of David Asbury will generate much political and media interest and result in a major internal enquiry into the case, fingerprint evidence in general and probable legal action against Strathclyde Police. It is felt by the reporting officer that this is a fairly realistic summation of the effect of Detective Constable Cardwell's position.

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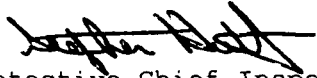
It is against this backdrop, that the reporting officer who was the Senior Investigating Officer in the case and therefore must be seen by Detective Constable Cardwell as being involved in this alleged conspiracy, has accepted that she remain a member of the CID at 'U' Division who can resume duty at any time or call in to the office or telephone to arrange to re-start duty. Additionally, Detective Constable Cardwell's position is well known to other members of the Department and the confusion and effect on the morale of 'U' Division CID, particularly those who worked on the Murder, is measurable. Officers have indicated that they would find it very difficult to work with her should she resume duty.

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The reporting officer does not wish to pre-judge any enquiry currently under way, however, at the Trial of David Asbury, he will undoubtedly be asked his opinion as to Detective Constable Cardwell's position on the fingerprint identification. There can only be one answer since all of the other possibilities regarding the presence of her fingerprint have been eliminated, and her account of where the fingerprint was allegedly lifted from, is not feasible. The reporting officer will state that Detective Constable Cardwell is, in his opinion, a liar. It is then highly likely that the Defence at this point will ask why, if in his opinion, one of his staff is a liar, has she remained in the Department since the discovery and subsequent denial of her fingerprint on 11 February 1997. The reporting officer will then have to refer to his report of 14 February 1997 and in particular, paragraph 22.3 contained therein.

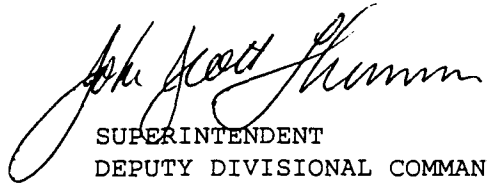
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- 9 It is extremely important in the case against David Asbury that the reporting officer and Senior Investigating Officer, is able to state in evidence, that at no time did he have any doubts regarding the fingerprint evidence or that Detective Constable Cardwell has been mistaken from the outset and once all the possibilities of her fingerprint being left there legitimately had been eliminated, the only possibility remaining is that she is lying.
- 10 In addition to all of the foregoing, on Friday 4 April 1997, the reporting officer was to attend a social function in a Public House in Kilmarnock, which was being held by 'U' Division CID staff for colleagues who had been promoted and who were moving on to new posts. The reporting officer was to say a few words of thanks for their past contribution. On entering the premises, he immediately saw Detective Constable Shirley Cardwell standing with her friend, a serving uniform officer, PC Alison McMillan, stationed at Saltcoats. Despite suffering from Nervous Debility and despite her obvious knowledge of the effect of her stance in the case against David Asbury and its subsequent effect on morale on 'U' Division CID, she had obviously seen fit to attend the function. The reporting officer immediately left the premises and did not attend the function. He subsequently received telephone calls and met several 'U' Division CID officers who were outraged at her presence there. Most had left early and others who were there to say farewell to departing colleagues, remained under protest. Detective Constable Cardwell remained at the function for some time, remarking that she intended to resume duty soon and that various persons in Strathclyde Police were 'out to get her' and that she was considering legal action against Strathclyde Police.
- 11 This report therefore is submitted in an effort to indicate that Detective Constable Cardwell's behaviour appears calculated and is certainly placing her colleagues in a very difficult position in that she has discussed the ongoing enquiry in an apparent attempt to seek sympathy or support and elicit comment. Any return to work which could be immediate, would further compound the situation.
- 12 The reporting officer submits this report respectfully in an effort to convey the likely effect of Detective Constable Cardwell's position in the Trial of David Asbury, the current effect on the morale of 'U' Division CID from management level downwards and the likely effect on the public perception of Strathclyde Police and fingerprint evidence in general, should Asbury be acquitted or found Not Proven.
- 13 This report is submitted to Superintendent Thomson, Deputy Divisional Commander, 'U' Division, Kilmarnock for his information and consideration.


Detective Chief Inspector
Regd. No. Redacted

Superintendent Thomson
Deputy Divisional Commander
'U' Division

14 Forwarded for your information.



SUPERINTENDENT
DEPUTY DIVISIONAL COMMANDER
REG NO Redacted

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