

THE FINGERPRINT INQUIRY SCOTLAND
WITNESS STATEMENT OF ARCHIBALD JAMES MCKINLAY

(i) NAME AND PERSONAL INFORMATION

1. I am Archibald James McKinlay. I am 56 years old. I am a scene examiner employed by the Scottish Police Services Authority. I have been doing this for a year and a half since September 2007. I am based at Blantyre "Q" Division part of Strathclyde Police.

(ii) CAREER

2. In 1997 I was a Police Constable with Strathclyde Police attached to the Identification Bureau working from Pitt Street in Glasgow. I joined the Police in 1979. Prior to that I was a lab technician in Garrion Academy, Wishaw for the Education Department of Strathclyde Regional Council. I worked at Whitburn Academy and Deans High School in Livingston as well then went into the Police.

(iii) TRAINING

3. I had basic training at Tulliallan and then on the street at Blantyre for eight years. I then applied to get into the Identification Bureau as a Scene of Crime Officer/constable. I moved to scenes of crime in 1987. I attended crime scenes ranging from volume crimes such as housebreaking and car thefts all the way through to murders and major accidents. Initially I had on the job training- neighbouring up (mentoring) with more experienced officers who showed you the ropes. Later on, a long time after that, they started sending people to the Training Centre at Harperley Hall at Durham. I attended there for a refresher course in crime scene investigation and also a crime scene manager's course in 2002. I attended a refresher course a few years before that, probably round about 2000. As a police officer you also had your yearly appraisal with your supervisor, your inspector or your chief inspector. I moved to scenes of crime in 1987.

(iv) INVOLVEMENT IN THE SHIRLEY MCKIE CASE

4. My involvement in the McKie case is very limited. On 18th February 1997 I was asked to attend at the murder locus in Kilmarnock. I received the orders at the force headquarters and was told to report to Kilmarnock Police Office in the first instance. Looking at my notebook, (serial number SC-01-28) the address given to us was 43 Irvine Road, Kilmarnock. The instructions came from Chief Inspector Ian Hogg to look at the locus.

5. The instructions would come down the chain of command from Chief Inspector Hogg to Sergeant Derek Thomson. It would come down the chain of command to Derek Thomson because he would have been the one who would be informed we were going. I could have received instructions from either or both. I was instructed to attend at the house and photograph the fingerprint impression Y7. This was the crime scene in the Marion Ross murder. I had had no previous involvement in that investigation.

6. I don't really remember my instructions from CI Hogg. With Derek Thomson I don't really remember the discussion. The reason we were doing it was because there was a dispute about the fingerprint. I knew from general gossip and talk within the Department that impression Y7 had been identified as belonging to a police officer Shirley Cardwell (or McKie) who was disputing the fingerprint being hers. I can recall I knew this at the time of my involvement.

7. Because we are involved in a major crime investigation, there is a lot of talk and discussion within the department as to which fingerprints are being identified and whether we are getting identifications, especially in a high profile case like that. Everyone is interested to know how things are coming along and whether we are getting people identified by their fingerprints? I do remember there had been occasions (in other cases)

where various investigating officers' prints have turned up. They just get eliminated and the officer is told to keep his hands in his pockets the next time.

8. We attended at the Kilmarnock office first and spoke to Superintendent Scott Thomson. He knew why we were there and the idea was to go to the locus with Shirley Cardwell and, I thought, her lawyer (male) who was with her. The plan was for everybody to go to the crime scene so that they could see the print being photographed or re-photographed which we duly did. We made our way to the locus that morning. By 'We' that is to say myself, Sergeant Derek Thomson, Superintendent Scott Thomson, Shirley and the other male. I didn't know Shirley McKie. I hadn't met her before.
9. In their presence I took several photographs of the bathroom door as a sort of lead in to show where the print was. Derek Thomson made a new fingerprint label with the Crime reference number and the print identification mark Y7 which was signed (or initialled) by myself, Derek Thomson and Shirley McKie. The "new" fingerprint label was then placed over the original crime scene label which had been placed there by the Fingerprint Team who had examined the locus after the murder.
10. It had already been photographed by them. I was to re-photograph it in Shirley McKie's presence. I photographed it in black and white with the standard scale so that it could be printed to size. Shirley McKie watched while this was done. There wasn't much discussion. It was just a case of me photographing it. I took a few photographs of various views then departed to return to HQ to print the negatives.
11. I am shown copies of 4 photographs found at page 188 and 189 of document (CO_ 0345) – Discipline Enquiry Report in relation to Shirley Carwell.. I confirm that these are photos taken of the bathroom door frame and the impression Y7. I am also shown document (SG_0126) – SCRO book of photographs 'L2'. This shows the label we put on even

although Derek got the year wrong. I can confirm that I took both of the photos in this document. I don't remember anything they said at the locus. There wasn't a great deal of conversation, if any. It was just a case of getting it photographed and away. We certainly weren't there any longer than half an hour

12. I can confirm that someone gave us access to the house on 18 February 1997. I don't know who it was. The police would still have possession of the house because it was an ongoing inquiry. Derek Thomson told me where Y7 was positioned. I can't remember if he told me before we left headquarters or when we got there. It would be easy enough for us to look up the major incident sheet because we would have a copy of all the prints that had been previously photographed. I don't remember looking them up. All the prints found by the fingerprint team who attended the locus were noted, logged and filed at Force Headquarters therefore anyone with interest in the case could find out where a particular print was found.
13. I am shown document (SG_0128) - fingerprint form of Shirley McKie dated 18 February 1997. I cannot recall if I saw this form on 18 February 1997. I really don't remember who gave me that. I don't know if I got it or Derek got it. It kind of rings a bell but I really can't say who gave us it. I cannot recall for what purpose I may have seen it, or if I was asked to do anything with it.
14. Y7 was on the right hand bathroom door frame. I can't remember if it was pointed out to me. I took some photos of the hall giving a general view of the entrance to the bathroom. Looking at the photographs at page 188 of document (CO_0345), you can see that instead of just taking one photo of the print, I took a long shot showing the bathroom door then moved a wee bit closer to show the bathroom door frame and then the section of the wall. The photographs (on page 189) is now a bit closer so that you can pick out the actual labels. I took them so you can relate them to the other photographs.

15. The first photograph in (SG_0126) shows the impression Y7 with the original label. The second photograph in (SG_0126) shows the new label with the old label underneath. We returned to Headquarters at Pitt Street. I processed, or I had the negatives processed. I can't remember who I gave them to. It could have been anybody. It's an automated process – they just go through a big machine and come out the other end. I don't know how many sets we made. It's so long ago now. I handed over the negatives and the prints to somebody from SCRO. It was a case of giving the prints and negatives. It would be the photos and fingerprint form for Shirley McKie (SG_0128). If it wasn't SCRO it was someone from Complaints and Discipline. Someone from Complaints and Discipline may have wanted to see them first and take them to SCRO personally.. I don't remember. Reading between the lines it had to be Complaints and Discipline. It was before the murder trial and it was all about the disputed print so the only people who would be interested would be Complaints and SCRO who would identify the print or not. Complaints and Discipline would handle any inquiry.
16. I am asked if this was a special job. We used to say "secret squirrel" - i.e. no one else to know except us. It was a special job because it related to this disputed print. It was two police officers rather than civilians, just to keep it within police bounds because it was an internal inquiry. That's the only reason. I don't remember seeing any paperwork. SCRO would have had the usual paperwork relating to the Crime scene work.
17. I had never done anything like this before. I had been involved before in internal inquiries for Complaints and Discipline. I had never had to re-photograph fingerprints. It would have been the Chief Inspector who told us to give things to SCRO – that would have been the instruction. I don't actually remember. Whoever the chain of command stopped with,

he would have told us when we were originally told to go to the locus. It would have been made clear to bring the negatives back and hand everything over to SCRO or Complaints and Discipline. The word would have come from the Inquiry Team. I don't actually remember.

18. The new label was put on just to show Shirley McKie the procedure and to have her sign the label. She did sign it to show that that this is the disputed print and that she knows about it. It's marked Y7 so that she knew what the fingerprint was. She was in the hallway as I took the photographs.
19. I have had my previous statements of 23rd July 1997 (PS_0031) and 9th October 2000 (CO_2244) read to me. I remember the bare bones, but details of how many people were there and who they all were is blurred. I still can't recall. I would certainly confirm that each statement was accurate at the time it was taken. There is nothing in these two previous statements that I would now like to comment on. In the second statement (CO_2244) there is mention of black dust on the door frame. It's just a black fingerprint – the powder we apply. That was already done by the murder inquiry, the people who attended the inquiry originally. We didn't re-apply anything. That is the black powder referred to. It's just fingerprint dust.

20. My reference earlier in this statement to a legal representative being present with Ms McKie at the re-photographing on 18 February is a mistake on my part. I thought one of the police officers there was her legal representative. This is just down to the passage of time.

Insofar as the facts to which I attest in this, my witness statement, are within my direct knowledge I confirm that they are true. Where based on information provided to me by others I confirm they are true to the best of my knowledge information and belief.

Signature

A. McKinlay

Print Name

A. MCKINLAY

Date

30/4/09