

THE FINGERPRINT INQUIRY SCOTLAND
SUPPLEMENTARY WITNESS STATEMENT
OF FIONA MCBRIDE

(i) FORM 13s IN THE MARION ROSS INVESTIGATION

1. I start with some general remarks about Form 13Bs. The majority of the Form 13 was completed by the Scene of Crime Officer, (SOCO) the Identification Bureau. There were three sheets or parts to a Form 13. One part was retained by the IB and one retained by SCRO. The third part was used in an ordinary case to respond to the police with the results of the fingerprint experts' work. That part of the form would be marked up with results by the fingerprint experts and sent back to the police.
2. The Form 13 would come with a set of marks for examination. The Form 13 would be completed with the relevant details. Although there were different standards of completion of the form, some SOCOs would fill in more than others, there was no problem with these forms in that regard.
3. In special cases the Form 13 would not be used to respond to the police. Rather the fingerprint expert in charge would communicate directly with the police.
4. I am shown document (DB_0251) BY23 Original Reply Form 13B. It is dated 23rd January 1997 and date stamped as received by the fingerprint section on 29th January 1997. The Form 13 refers to marks QB2 to QL2. That bundle of marks includes Mark QI2.
5. The fact that the marks are marked "Q" shows that laser technology was used to get an image of the mark.

6. (DB_0251) BY23 Original Reply Form 13B contains the phrase: "Ident required for deceased". I take this to mean that if Marion Ross's mark is found on the tin it should be treated as an identification and not as an elimination, that is, to the sixteen point standard.
7. In other words it is to let the fingerprint experts know that the mark is important and not to be treated as an ordinary elimination. It indicates that there is a possibility that this mark may have to go to court.
8. The phrase "ident required for deceased" is not some sort of order to make such an identification. I would not even read it as some form of expression of hope as to the result of any comparison by fingerprint experts.
9. Officers would not give such instructions. To do so would be wrong. This is not the sort of thing I have ever heard of occurring. Were it to occur, people would be shocked. At most an officer might indicate his/her hope that there might an identification in a case. There was never any pressure to identify a mark.
10. One of the signatures on form 13 (DB_0251) BY23 Original Reply Form 13B is of a Scenes of Crime Officer by the name of Les Gibbens. He is now retired. I think he has been retired for years. When I was training to become a fingerprint officer I spent some time with Les Gibbens learning how Scenes of Crime Officers went about their work. He was a very trustworthy person.
11. I only became aware of the significance of the tin much later on. It might have been at the time of the television programmes about the McKie case such as Frontline Scotland.

12. I am shown document (CO_0197) - Elimination Sheet BY6 Page number 4. This contains a column for QB2 to QL2. That bundle of marks includes QI2. There is no record here of comparisons of these marks against Marion Ross or David Asbury or anyone else. There is a cross through the column. This is normal. An expert would only sign this form if he had compared marks against the ten prints of a person with a negative result, i.e. decided after comparison that a mark was not of a person.
13. I am shown document (DB_0003) Marks Worksheet BY31. The entries for QB2 to QL2 show that the marks were either found to be fragmentary and insufficient or that they were identified as David Asbury's or Marion Ross'.
14. I would assume that what took place is as follows. In comparing marks the first step would be to decide where possible which marks were fragmentary and insufficient. As the tin was found at David Asbury's house the next step would have been to compare the marks against David Asbury's prints. It is common sense to eliminate the marks that belong to the householder which reduces the number of unnecessary comparisons against less likely eliminations (someone who rarely accesses the locus) or suspects, and as the tin was in David Asbury's possession then it is common sense to check against David Asbury first provided his form was not already being used. Once that had taken place then the next step would have been to check outstanding marks against Marion Ross' prints. This, in light of the information received from the police, is common sense.
15. Once that work had been carried out there would have been no requirement for further comparisons. All of the marks had been dealt with and conclusions reached in respect of each mark. This would explain why there are no entries on Elimination Sheet BY6 page number 4 (CO-0197).

16. I am shown a document which is said to be negative bag containing photo of Q12 containing handwritten annotations, reference (DB-0001). I do not know what a negative bag is. However this could be a reference to a "crystal bag". These were transparent/ opaque envelopes in which photographs were kept. They would sometimes be annotated. One would put photographs that had been dealt with in the crystal bag and mark the crystal bag with relevant information. I believe the reason the crystal bag has only been marked with reference to the deceased is because another "crystal bag" exists which references only David Asbury. This is evident from the way the photographs in the crystal bag are fully marked up, and it was the practice to produce crystal bags for each identified/eliminated person. I would note though that the photograph itself is marked in respect of David Asbury and Marion Ross which is normal.

(ii) CASE ENVELOPES IN THE MARION ROSS INVESTIGATION

Case envelope "murder (i)"

17. I am shown document (DB_0529) SCRO Case Envelope "Murder (i)" with a crime reference number UC01050197,
18. The field "Force" on the front of the envelope refers to the relevant Police force involved in investigating the crime in question.
19. The field "Locus" refers to the locus of the crime, 43 Irvine Road, Kilmarnock.
20. The field "Date Rec'd" refers to the date when the case was noted as received by SCRO. The date is 10th January 1997. It may not be the date when the case was actually received by SCRO, as an example it could have been received late on the 9th January 1997.

21. The box "Suspect" cross refers to the table below for recording identifications. The "(i)" next to the word "suspect" refers to entry "(i)" in that table, which refers to David Asbury.
22. The next box is marked "(ii) Elim Ident" and is ticked. This refers to the mark of Marion Ross and cross refers to the table for recording identifications at entry "(ii)". The use of the phrase "elimination identification" informs the reader that it is an important elimination. An "elimination identification" arises if a mark is not that of a suspect but is important in the case, so is treated in the same way as an identification for evidential purposes, in essence for court purposes.
23. Accordingly in 1997 the Marion Ross elim ident would be identified to the sixteen point standard and the identification would have been confirmed by three other fingerprint experts. The treatment of this particular elim ident in this way would have been a decision for the Procurator Fiscal or the Officer in Charge/ Senior Investigating Officer. It was not a decision for fingerprint experts/ SCRO.
24. A court report, productions and enlargements would be prepared on receipt of instructions from the Crown or Procurator Fiscal for an "elimination identification".
25. The table headed "Ident No; Name" etc records identifications made, the name of the person who has been identified as leaving a mark, their unique reference number (URN), which is the criminal records unique reference number and the marks identified as being of the person in question.
26. The column "Ident No" cross refers to the log of identifications. This was a big book which recorded identifications made by fingerprint experts. This log provided information for fingerprint experts as to identifications made. Entries would have been made in the log book,

and these would have been numbered 50 and 51. I cannot remember seeing these entries. The log book would be marked up for special cases when the case was complete, broadly at the same stage as the case envelope was marked up.

27. Below that box is a field "Ident by" with a space for signature. By signing here a fingerprint expert confirms that he has made the identifications entered above in the table. Hugh Macpherson has signed on 14th March 1997. He is confirming that he has compared the marks in question with the ten print forms available for David Asbury and Marion Ross and that the marks are of David Asbury and Marion Ross.
28. From time to time I would have to sign this field, or the field below "checked by", in the context of special cases that I worked on. I would get all of the marks in question and all the relevant ten print forms. I would compare the marks to the relevant ten print forms and confirm that I could identify each of the marks. I would only sign the envelope if it was accurate. I had to be content that the identifications were correct.
29. At this stage it could be that I had more than one ten print form in respect of a person, as an example one taken when the person was not a suspect and then one taken on that person's arrest. I was content to confirm the identification at the case envelope stage provided that comparison to one of the ten print forms resulted in an identification.
30. If the arrest ten print form was not clear enough and I had made the identification on the basis of a preceding form then a request for a new set of post arrest ten prints would have to be made. The earlier form would not be capable of use in court and could not form the basis of a

