

The Fingerprint Inquiry | Scotland

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The Fingerprint Inquiry publishes its Report

The public inquiry into the circumstances surrounding the Shirley McKie fingerprint case has today published its Report (14 December 2011).

The Fingerprint Inquiry, chaired by Sir Anthony Campbell, formerly a judge of the Court of Appeal in Northern Ireland, was set up to look at the steps which were taken to identify and verify the fingerprints associated with the case of HM Advocate v McKie in 1999. The Inquiry has determined the consequences of steps taken and the Chairman has now reported on findings of fact and made recommendations.

Sir Anthony Campbell has reviewed in detail the varying opinions that were held about the fingerprints Y7 (Shirley McKie) and Q12 (Marion Ross) and also considered, in some depth, the underlying methodology used by fingerprint examiners.

Key findings

The Chairman's key findings are:

1. There is no evidence other than the mark Y7 to suggest that Ms McKie at any time entered Miss Ross's house beyond the area of the porch.
2. The mark Y7 on the door-frame of the bathroom in Miss Ross's house was misidentified as the fingerprint of Ms McKie.
3. Ms McKie did not make the mark Y7.
4. There was no conspiracy against Ms McKie in Strathclyde Police and all reasonable steps were taken by that force to seek from the Scottish Criminal Record Office fingerprint bureau confirmation of the identification of Y7.
5. The mark Q12 Ross was misidentified as the fingerprint of Miss Ross.
6. There was no impropriety on the part of any of the Scottish Criminal Record Office fingerprint examiners who misidentified the mark Y7 as having been made

- by Ms McKie or the mark QI2 Ross as having been made by Miss Ross. These were opinions genuinely held by them.
7. The marks Y7 and QI2 Ross were both misidentified by the Scottish Criminal Record Office fingerprint examiners due to human error and there is nothing sinister about the fact that these two errors occurred in the same case.
 8. The misidentifications of Y7 and QI2 Ross expose weaknesses in the methodology of fingerprint comparison and in particular where it involves complex marks.
 9. Fingerprint examiners are presently ill-equipped to reason their conclusions as they are accustomed to regarding their conclusions as a matter of certainty and seldom challenged.
 10. There is no reason to suggest that fingerprint comparison in general is an inherently unreliable form of evidence but practitioners and fact-finders alike require to give due consideration to the limits of the discipline.

These are set out in chapter 42 of the Report. Other findings can be found throughout the Report.

Key Recommendations

Sir Anthony Campbell has indicated 86 recommendations for future action as a result of the Inquiry. These are shown in chapters 35-41 in Part 7 of the Report, and listed in full in chapter 43.

The ten key recommendations, which are set out in chapter 42, are:

1. Fingerprint evidence should be recognised as opinion evidence, not fact, and those involved in the criminal justice system need to assess it as such on its merits.
2. Examiners should discontinue reporting conclusions on identification or exclusion with a claim to 100% certainty or on any other basis suggesting that fingerprint evidence is infallible.
3. Examiners should receive training which emphasises that their findings are based on personal opinion; and that this opinion is influenced by the quality of the materials that are examined, their ability to observe detail in mark and print

- reliably, the subjective interpretation of observed characteristics, the cogency of explanations for any differences and the subjective view of 'sufficiency'.
4. Differences of opinion between examiners should not be referred to as 'disputes'.
 5. The Standard Operating Procedures of the Scottish Police Services Authority (SPSA) should set out in detail the ACE-V process that is to be followed. (ACE-V is an acronym for analyse, compare, evaluate, verify and is a process that fingerprint examiners are encouraged to follow.)
 6. Features on which examiners rely should be demonstrable to a lay person with normal eyesight as observable in the mark.
 7. Explanations for any differences between a mark and a print require to be cogent if a finding of identification is to be made.
 8. A finding of identification should not be made if there is an unexplained difference between a mark and a print.
 9. The SPSA should develop a process to ensure that complex marks (such as Y7 and Q12 Ross) are treated differently. The examination should be undertaken by three suitably qualified examiners who reach their conclusion independently and make notes at each stage of their examination. The substantive basis for the examiners' conclusions should be reviewed. The reasons why they have reached their respective conclusions should be explored and recorded, even where they agree that an identification can be made.
 10. An emphasis needs to be placed on the importance not only of learning and practising the methodology of fingerprint work, but also of engaging with members of the academic community working in the field.

Sir Anthony Campbell commented:

"Identification through fingerprints has been with us for over 100 years. Examiners face many challenges in carrying out what is important, difficult and, at times, complex work.

The recommendations that I have made in the Report are designed to assist them to meet these challenges and to ensure that the identification evidence they provide continues to be evidence in which the general public and the criminal justice system in Scotland can have confidence."

Notes to editors

1. The Fingerprint Inquiry is a public inquiry set up under the Inquiries Act 2005, its terms of reference are:

- To inquire into the steps that were taken to identify and verify the fingerprints associated with, and leading up to, the case of *HM Advocate v. McKie* in 1999.
- To determine, in relation to the fingerprint designated Y7, the consequences of the steps taken or not taken.
- To report findings of fact and make recommendations as to what measures might now be introduced, beyond those that have already been introduced since 1999, to ensure that any shortcomings are avoided in the future.

1. Copies of the Report are available to download from the Inquiry's website:

www.thefingerprintinquiryscotland.org.uk

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