

# The Fingerprint Inquiry | Scotland

## TEXT OF LETTER SENT TO THE CORE PARTICIPANTS IN THE INQUIRY ON 16 SEPTEMBER 2009

### PREPARATION FOR HEARINGS

I write to provide further details regarding the hearings that are scheduled to begin again next week and to provide an update on various points from the last hearings in June and July.

#### The Hearings

Hearings are scheduled to recommence on Tuesday 22 September at 10am, at Maryhill Community Central Hall, Glasgow.

In discussing arrangements with Opus 2 (LiveNote) for next week, they have suggested that everyone wishing to access LiveNote should be in the hearing room about 45 minutes before the start to iron out any technical hiccups by 10 a.m. and ensure we start promptly as planned. Technical help will be available.

It is anticipated that Senior Counsel to the Inquiry will make a brief introductory statement outlining the anticipated duration and structure of this series of hearings and also the nature of the comparative exercise in which the Inquiry has been engaged over the summer. We will then proceed to oral evidence.

The main focus for the first few weeks of these hearings will be evidence concerning opinions about various fingermarks with which the Inquiry is concerned.

The first witness is expected to be Mr Pat Wertheim from the USA who was instructed by Shirley McKie and David Asbury. It is anticipated that he will give evidence over Tuesday and Wednesday. He is scheduled to return to the States on Thursday morning.

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The Fingerprint Inquiry is an independent public inquiry under the Inquiries Act 2005, chaired by the Rt Hon Sir Anthony Campbell. All correspondence should be addressed to the Secretary to the Inquiry at the above address.

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The next witness is expected to be Geoffrey Grigg, formerly a fingerprint officer at the National Training Centre for Scientific Support to Crime Investigation at Durham (NTC) (now part of the National Policing Improvement Agency).

The Inquiry will not sit on Friday 25 September as the Hall is closed for the Glasgow holiday.

We expect to resume again on Tuesday 29 September with further opinion evidence and that that will continue into the following week as well. At present the intention is to sit Tuesdays to Fridays inclusive.

As before we intend to publish a daily progress report on the Inquiry website giving information about the witnesses that day and the next.

## **Documents**

We intend to publish on the website on Monday 21 September documents relevant to the opinion evidence that will be heard over these next weeks of hearings. This will include the contributions to the comparative exercise and Counsel's analysis (i.e. Chapter 12).

Further documents will be added to the website as the hearings proceed.

## **The venue**

In August, a problem arose with the ceiling in the hearing room. Repairs have not been possible in the time available but a safety net is being put in place and the room authorised as safe for use.

## **Procedures**

The Inquiry Procedures document issued before hearings began in June remains in place and is available on the Procedures page of the Inquiry website.

The evidence to be taken during these next hearings involves detailed consideration of individuals' opinions on specific marks and there will be extensive use of visual images, deploying, as before, the screens and technology that is set up for core participants and the public. It is inevitable that there will be an element of trial and error with this, and some adjustments may be needed as we go on.

It will be appreciated that with this chapter of the inquiry there will be a greater premium on advance notice of lines of cross-examination, not least to ensure that necessary documentation is available on the computer system. Senior Counsel intends to have on-going discussions with core participants to ensure that the arrangements for cross-examination are satisfactory for all concerned.

In order to smooth the way for the use of the screens in relation to images, we intend to encourage all potential users – core participants, legal representatives and witnesses - to take a few minutes for specific training on the system. This can be arranged through the Inquiry's Witness Liaison Manager, Lynne Allan.

## **Update on other matters**

There are a number of more specific points to be drawn to your attention and they are set out in the remainder of this letter. Subject to submissions to the contrary it is not proposed to call (or recall as the case may be) the witnesses in question but if any core participant has any comments as regards these matters please let us have them over the next week.

### Alexander Macleod

During the last day of hearings on 10 July, Senior Counsel indicated that the Inquiry had located and obtained statements from three of the four additional people said to have been involved in the blind test of Y7 (Anne Noble, Lorna McQueen and Raymond Brown). All three confirmed that they had no recollection of being involved (their statements are FI\_0096, FI\_0097 and FI\_0098). Mr Moynihan also stated that the Inquiry team were making enquiries to trace the fourth, Alexander Macleod.

Mr Macleod has now provided a statement confirming that he has no recollection of being involved in the blind test. His statement is at FI\_0119.

### Additional Statement of Denise Greaves

The Inquiry has received a supplementary statement prepared by one of the witnesses to the Inquiry, Ms Denise Greaves. This covers points arising from the evidence of other witnesses on which she wished to comment.

The statement is at CO\_4429.

### Contemporaneous report from Sean Murphy

The Inquiry was recently provided with a document from Crown Office which is a contemporaneous note from Sean Murphy QC. Sheriff Murphy was shown this note by the Inquiry team and asked in a letter dated 24 August 2009 to consider the note, to provide any comments in light of it and to advise whether this affected any of the evidence he provided to the Inquiry.

Sheriff Murphy's response to the Inquiry and the note and letter are being added to the core participants' database.

### Consideration of documents by John McMenemy

During the evidence of Mr McMenemy (on Thursday 11 June 2009), it was suggested by Senior Counsel to the Inquiry that in order to ascertain whether the Inquiry held certain papers or not, Mr McMenemy might visit the Inquiry's offices to look at the papers held.

Mr McMenemy visited the Inquiry offices on 12 June 2009 and a note of that visit is found at FI\_0135.

### Witness list referred to by Les Brown

In his evidence to the Inquiry on 19 June 2009 Mr Brown made reference to a list of witnesses and the Chairman indicated that it would be useful if that list was forwarded by Mr Brown to the Inquiry team. Following his evidence, Mr Brown handed in a witness list to the Inquiry team which can be found at AK\_0002.

Check of Y7 against the fingerprints of Gary Gray

Senior Counsel mentioned during the last session of hearings that the Inquiry had instructed the Metropolitan Police to carry out a check of Y7 against the fingerprints of Gary Gray with a negative result.

The Inquiry has also now recovered from National Policing Improvement Agency Durham a list of the checks carried out by them against Y7. List NP\_0004 indicates that Y7 was checked against the fingerprints of Mr Gray.

Yours sincerely

**Ann Nelson**

Solicitor and Secretary to the Inquiry