

# The Fingerprint Inquiry | Scotland

## Media Information pack

### Contents

	Page
• Background	2
• Biographies	6
• Core participants list	8
• Inquiry Procedure	10
• Witness list	14
• Glossary of terminology	17
• Frequently asked questions	20
• Contact details for media	23

# The Fingerprint Inquiry | Scotland

## Background

In May 1997, David Asbury was convicted of the murder of Marion Ross. The prosecution case against him included fingerprint evidence.

In the course of the investigation into Miss Ross's murder, a fingerprint was found on the doorframe of the bathroom in Miss Ross's home. It was identified as belonging to Shirley McKie, a serving police officer involved in the murder investigation. That fingerprint became known as "Y7".

In the course of the trial of David Asbury, although there were disputes about the provenance of certain fingerprints with suggestions of planting being made, no issue arose with any identifications made by SCRO. Shirley McKie was one of the many witnesses and she gave evidence about her involvement in the murder investigation. She was asked about the fingerprint attributed to her in the area of the bathroom and did not accept that she could have left the mark in that spot, as she denied that she was inside the house beyond the porch area and claimed that she could not have left her fingerprint where Y7 was found.

After the murder trial, Shirley McKie was prosecuted for perjury (lying while giving evidence on oath) because of what she had said in her evidence at David Asbury's trial. The evidence before the jury at Shirley McKie's trial included evidence from defence fingerprint experts that Y7 was not her fingerprint. The jury, unanimously, found Shirley McKie not guilty of perjury.

The identification of Y7 was originally made by officers of the Scottish Criminal Record Office. Various fingerprint experts have expressed differing views as to whether Y7 is the fingerprint of Shirley McKie.

In August 2000 David Asbury was granted interim liberation pending an appeal against his conviction for murder. His conviction was quashed in August 2002. The Crown did not oppose his appeal.

Shirley McKie raised an action for damages arising from the identification of Y7 as her fingerprint. It was settled out of court by Scottish Ministers, without admission of liability, in February 2006.

The steps taken to identify and verify Y7, and the measures that might be taken to avoid any shortcomings in the identification and verification of fingerprints in the future in Scotland have not previously been the subject of a public judicial inquiry.

The Fingerprint Inquiry is being held under the Inquiries Act 2005 and the Inquiries (Scotland) Rules 2007.

### **The purpose of a public inquiry**

Within the confines of its terms of reference, the purpose of a public inquiry is to investigate thoroughly the matters in question, to establish the facts and find out what happened. Where necessary, recommendations will be made to prevent something similar from happening again.

By statute, an inquiry cannot determine civil or criminal liability or award compensation. However it is not to be inhibited in the discharge of its functions by any likelihood of liability being inferred from facts that it determines, or recommendations that it makes (Inquiries Act 2005 section 2).

An inquiry is often described as “inquisitorial” as compared to the “adversarial” proceedings in a court case. It is a means of seeking out the facts in a way that would not be possible in adversarial proceedings in which one party wins and another loses. A public inquiry does not decide in favour of one side or another, nor is it a trial or a disciplinary hearing.

An Inquiry looks for the co-operation of individuals and organisations to assist it. However, it does have the power to call witnesses and to compel witnesses to give evidence, either in writing or orally, and to produce any relevant documents.

## **The Inquiry Chairman**

Inquiries under the Inquiries Act are conducted by an inquiry panel which in the case of this Inquiry is a Chairman alone – Sir Anthony Campbell, formerly a judge of the Court of Appeal in Northern Ireland.

Subject to the Inquiries Act and Rules, the procedure and conduct of an inquiry are for the Chairman of the inquiry to direct.

## **Terms of Reference**

The Inquiry has the following terms of reference:

- 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.

## **Hearings**

The Inquiry held two preliminary hearings – an Initial Hearing in October 2008 and a Procedural Hearing in November 2008, as well as two stages of oral evidence in June & July 2009 and September to November 2009 over 57 days.

## **Comparative Exercise**

A comparative exercise was carried out in the summer of 2009 by reference to a common set of images of finger marks Y7 and the part of Q12 attributed to Marion Ross.

Primary contributions were obtained from the four main SCRO witnesses (Hugh MacPherson, Charles Stewart, Fiona McBride and Anthony McKenna) and four other fingerprint experts (John MacLeod, Geoffrey Grigg, Pat Wertheim and Arie Zeelenberg). Their respective contributions were then circulated for comment by the others who had provided primary contributions and also by a number of other practitioners.

The comparative exercise was one aspect of the opinion evidence considered during the hearings. Witnesses could, and did, speak to other materials: different images of the marks and a variety of fingerprint impressions for Ms McKie.

### **The Inquiry team**

Inquiry Counsel are Gerry Moynihan QC, Senior Counsel to the Inquiry and Ailsa Carmichael QC, Junior Counsel to the Inquiry.

Ann Nelson is Solicitor and Secretary to the Inquiry and there is a team of support staff.

# The Fingerprint Inquiry | Scotland

## Biographies



### **Sir Anthony Campbell (Inquiry Chairman)**

Sir Anthony Campbell was appointed a judge of the High Court in Northern Ireland in 1988 and of the Court of Appeal in Northern Ireland in 1998. He was appointed a Privy Councillor in 1999. He retired on 31 August 2008.

Sir Anthony is a graduate of Cambridge University (Queens' College) and was called to the Bar of Northern Ireland in 1960 and to the English Bar (Gray's Inn) in the same year.

Sir Anthony was Junior Counsel to Lord Cameron's Commission in 1969 and to the Scarman Tribunal from 1969-1971. He was Junior Counsel to the Attorney General for Northern Ireland from 1971 to 1974, when he was appointed Queen's Counsel. From 1984 to 1988 he was Senior Crown Counsel.

Sir Anthony has led a review of Northern Ireland's civil justice system. In Scotland, he was also Chairman of the Chhokar Inquiry into the prosecutions following the death of Surjit Singh Chhokar, which reported in 2001.

### **Gerry J.B. Moynihan Q.C. (Senior Counsel to the Inquiry)**

Gerry Moynihan was called to the Scottish Bar in 1985 and was appointed Queen's Counsel in 1997. He is a graduate of the University of Glasgow (LL.B) and Oxford University (D. Phil). He was Standing Junior Counsel to the Scottish Development Department (Planning) from 1989 to 1995 and an Advocate Depute from 1995 to 1998. He has an extensive practice in the public law area, and in particular Human Rights cases.

**Ailsa J Carmichael, Q.C. (Junior Counsel to the Inquiry)**

Ailsa J Carmichael was called to the Scottish Bar in 1993 and was appointed Queen's Counsel in 2008. She is a graduate of the University of Glasgow (LL.B Hons). She was appointed Standing Junior Counsel to the Home Department in 2000 and was a Reporter to the Scottish Legal Aid Board between 2000 and 2010. She holds appointments as an ad hoc Advocate Depute (2005), legal member of the Mental Health Tribunal for Scotland (2005) and as a part-time sheriff (2007). She has experience of a wide range of civil litigation, specialising in recent years in public law.

**Ann Nelson (Solicitor and Secretary to the Inquiry)**

Ann Nelson qualified as a solicitor in 1976 and has practised in the private sector and, since 1992, in government service. She is a graduate of the University of Edinburgh (LL.B. Hons). From its establishment in 1999 to 2007 she was Legal Adviser/Director of Legal Services at the Scottish Parliament.

# The Fingerprint Inquiry | Scotland

## Core participants

Under the Inquiries Rules people and organisations can be designated as core participants in an inquiry. A list of core participants and their legal representatives is in appendix 3 of the Report

The Chairman designated the following as core participants in The Fingerprint Inquiry:

- The Lord Advocate, for the Crown Office & Procurator Fiscal Service
- The Chief Constable, Strathclyde Police
- Scottish Police Services Authority
- David Asbury
- Alan Dunbar
- Terence Foley
- Alister Geddes
- David Halliday
- Fiona McBride
- Anthony McKenna
- Robert Mackenzie
- Iain McKie
- Shirley McKie
- Hugh MacPherson
- Malcolm Ross
- Charles Stewart
- Peter Swann
- Pat Wertheim



The Chairman also decided that:

- David Asbury, Iain McKie & Shirley McKie should be publicly funded by the Inquiry and represented by a single recognised legal representative.

Representative - Mr Gordon Dalyell of Digby Brown, Solicitors, Edinburgh. The legal team included Mr Andrew Smith Q.C.

- Alan Dunbar, Terence Foley, Alister Geddes, David Halliday, Fiona McBride, Anthony McKenna, Robert Mackenzie, Hugh MacPherson & Charles Stewart should be publicly funded by the Inquiry and represented by a single recognised legal representative.

Representative - Mr Stuart Holmes of Turcan Connell, Solicitors, Edinburgh.

- From September 2009 Mr Wertheim was represented by Mr Smith Q.C., instructed by Mr Dalyell.

The recognised legal representatives for core participants who were not publicly funded by the Inquiry, are:

- Lord Advocate - The Crown Agent, (normally represented at Inquiry hearings by Angela Grahame, Q.C.)
- Chief Constable of Strathclyde Police - Mr Randal Macpherson of Simpson & Marwick, Solicitors, Edinburgh
- Peter Swann and Malcolm Ross - Mr David Russell of Towells, Solicitors, Wakefield
- Scottish Police Services Authority - Ms Amanda Jones of Maclay, Murray & Spens, Solicitors

# The Fingerprint Inquiry | Scotland

## Inquiry Procedure

A summary of the procedure followed by the Inquiry is in appendix 1 of the Report.

### Inquiry procedures

#### **The Inquiries Act 2005 and the Inquiries (Scotland) Rules 2007**

The procedure and conduct of the Inquiry were for the Chairman to determine subject to the Inquiries Act 2005 and the Inquiries (Scotland) Rules 2007.

There were two preliminary hearings at the end of 2008 and the Chairman designated a number of people and organisations as core participants.

#### **Documentary evidence**

A large number of documents were recovered from public and private sources. These and documents created for the Inquiry, such as reports and a literature review, were scanned and stored in the Inquiry's electronic database.

#### **Witnesses' statements**

The Inquiry engaged a number of lawyers to record statements from relevant witnesses. The witness was given a draft of the statement that had been recorded and invited to sign the statement once satisfied that it was an accurate account of his or her evidence.

When it had been signed the statement was treated as the evidence-in-chief of the witness.

Those who gave oral evidence were asked to confirm that their statement was accurate and not asked to repeat all that was in it. The statement became the evidence of those that it was not found necessary to ask to give oral evidence.

### **Availability of evidence to core participants**

To assist with their participation in the Inquiry, core participants and their legal representatives were given access to relevant evidence electronically prior to the hearings, provided that they first gave an undertaking that they would not disclose the material.

The material was 'redacted' so that for example information not relevant to the Inquiry was not disclosed and to protect personal information in line with the law on data protection etc.

### **Analysis of the evidence**

Once the documentary evidence and the witness statements were received, Counsel to the Inquiry prepared an analysis of the evidence and of the issues that required to be investigated.

This analysis was published on the Inquiry website at the beginning of the first oral hearings.

### **Publication of evidence**

During the hearings, the Inquiry statements of witnesses appearing in person were published on the Inquiry website with other evidence relevant to the testimony of each witness.

Statements from witnesses who were not giving oral evidence were also published.

The material published on the Inquiry website was redacted as indicated above.

### **Procedure at the public hearings**

The hearings were held over a period of six weeks from 2 June to 10 July 2009 and over a further ten weeks from 22 September to 27 November 2009.

Counsel to the Inquiry made an opening statement followed by the legal representatives of the core participants.

Witnesses who gave oral evidence were required to take the oath or affirm that they would tell the truth.

Witnesses were cross-examined by Counsel to the Inquiry and then with leave of the Inquiry by the representatives of core participants.

At the conclusion of the hearings, core participants' legal representatives gave short closing statements in person and/or in writing to identify the issues as they saw them.

Daily progress updates were published on the Inquiry's website where they remain available.

### **Use of IT**

The Inquiry made extensive use of IT.

Documents received by the Inquiry were uploaded to a remotely hosted electronic database accessed using secure connections over the internet.

Each of the core participant representatives and unrepresented core participants, on granting a confidentiality undertaking, had their own exclusive, externally hosted, database of relevant evidence derived from the Inquiry's remotely hosted database.

These core participant databases (cpd) were identical but unconnected to one another. Access was through secure connections over the internet. The system allowed individuals in each group of users to access their cpd from any location and to read and review the material electronically and share comments within the secure confines of their own database.

Documents were displayed at the hearings on monitors at core participants' desks and on monitors and plasma screens in front of the public seating.

Many visual images were used during the September-November hearings when fingerprint experts explained their interpretations of various fingermarks.

Counsel to the Inquiry, witnesses and cross-examining legal representatives were able to annotate images using the computer mouse and these 'captured images' were saved electronically for future reference, for example at later hearing days and in the Report, and published on the website.

The oral evidence was typed up as it was spoken, appearing on a network of laptops within seconds using the LiveNote<sup>®</sup> transcript management programme.

Legal representatives could search the text, highlight sections of evidence, write up notes etc within the system, comments could be shared within teams via an inbuilt messaging feature, and users could access LiveNote<sup>®</sup> in real time even if away from the venue.

The LiveNote<sup>®</sup> text was finalised by the operators at the end of the day's hearing and uploaded to the Inquiry website that evening as the transcript of the day's proceedings.

## **Recommendations**

Those likely to be affected directly by the Inquiry's recommendations were given an opportunity to comment on them in draft.

## **Further information**

Further information about the Inquiry's procedures, organisation and administration are in appendices 1 and 2 of the Report and on the Inquiry website.

# The Fingerprint Inquiry | Scotland

## Witness list

The Inquiry took evidence from 92 witnesses, listed in appendix 4 of the Report, most of whom gave oral evidence at the hearings.

Witness	Role
BAYLE, Allan	Fingerprint Examiner/Forensic Consultant
BELL, Henry	Formerly Director of the Scottish Criminal Record Office
BERRY, John	Fingerprint Examiner (retired)
BLEAY, Dr Stephen	Research Scientist, Fingerprint and Footwear Forensic Group, Home Office Scientific Development Branch (HOSDB)
BOYD, Colin - Lord Boyd of Duncansby	Solicitor General for Scotland 1997-2000, Lord Advocate 2000-2006
BROWN, Leslie	Police (retired)
BROWN, Raymond	Formerly SCRO Fingerprint Officer
BRUCE, Edward	SCRO (now SPSA) Fingerprint Officer
CARLE, Stuart	Strathclyde Police
CHAMBERLAIN, Paul	Forensic scientist, Forensic Science Services
CHAMPOD, Professor Christophe	Professor of Forensic Science, University of Lausanne
CLIMIE, Gillian	Procurator Fiscal Depute, Crown Office and Procurator Fiscal Service (COPFS)
CROWE, Sheriff Frank	Formerly Deputy Crown Agent, COPFS
DEMPSTER, Gary	Fingerprint Officer
DUNBAR, Alan	Formerly Fingerprint Officer and Quality Assurance Officer, SCRO Fingerprint Bureau
ESPIE, Professor Colin	Clinical Psychologist, University of Glasgow
FAIRHURST, David	Fingerprint Officer, Surrey Police
FERGUSON, David	Scene of Crime Officer (scene examiner)
FINDLAY, Donald Q.C.	Defence Counsel in <i>HMA v McKie</i>
FOLEY, Terence	SCRO (now SPSA) Fingerprint Officer
FRASER, Thomas	Formerly Identification Bureau, Strathclyde Police
GEDDES, Alister	SCRO (now SPSA) Fingerprint Officer
GIBB, Norman	Formerly Chief Superintendent, Complaints and Discipline Branch, Strathclyde Police
GIBBENS, Leslie	Scene of Crime Officer (retired)
GILCHRIST, Sheriff William	Formerly Regional Procurator Fiscal for North Strathclyde, and then Deputy Crown Agent
GRAHAM, Malcolm	Fingerprint Examiner (retired)
GRAY, Gary	Strathclyde Police
GREAVES, Denise	Principal Procurator

<b>Witness</b>	<b>Role</b>
	Fiscal Depute, COPFS, Glasgow
GRIGG, Geoffrey	Fingerprint Training Instructor, National Policing Improvement Agency (NPIA) (formerly National Training Centre for Scientific Support to Crime Investigation (the NTC))
HALL, Lisa	Fingerprint Operations Manager, Metropolitan Police
HALLIDAY, David	Strathclyde Police, SCRO Fingerprint Officer (retired)
HEATH, Stephen	Strathclyde Police (retired) – as Detective Chief Inspector led investigation into Miss Ross’s murder
HOGG, Ian	Formerly Head of the Identification Bureau, Strathclyde Police
HUNTER, Graham	Scene of Crime Officer (scene examiner)
INNES, Ewan	Formerly Head of the Scottish Fingerprint Service
KENT, Terence	Research Scientist (HOSDB - retired)
KERR, James	Strathclyde Police
LEADBETTER, Martin	Fingerprint Examiner
LEES, Mark	Strathclyde Police
LOGAN, Jeffrey	Head of Fingerprint Bureau, Police Service of Northern Ireland
LUCKRAFT, Richard	Fingerprint Officer
MACKENZIE, Robert	Formerly Fingerprint Officer and Deputy Head of SCRO Fingerprint Bureau
MACLEOD, Alexander	Strathclyde Police, SCRO Fingerprint Officer (retired)
MACLEOD, John	Fingerprint Consultant
MACNEIL, Robert	Scene of Crime Officer (scene examiner)
MACPHERSON, Hugh	Formerly SCRO Fingerprint Officer
MCALLISTER, Alexander	Strathclyde Police
MCBRIDE, Fiona	Formerly SCRO Fingerprint Officer
MCCLURE, Jean	SCRO (now SPSA) Fingerprint Officer
MCGINNIES, Alex	Training Officer, SPSA
MCGREGOR, John	Fingerprint/scene of crime officer Grampian Police, now Fingerprint Unit Manager, SPSA, Aberdeen
MCINTYRE, Graeme	Strathclyde Police
MCKAY, Collette	Fingerprint Officer, SPSA
MCKENNA, Anthony	Formerly SCRO Fingerprint Officer
MCKIE, Iain	Father of Shirley McKie, Strathclyde Police (retired)
MCKIE, Shirley	Formerly Strathclyde Police
MCKINLAY, Archibald	Scene of Crime Officer (scene examiner)
MCKINLAY, Gordon	Golf Professional
MCMENEMY, John	Senior Procurator Fiscal Depute, COPFS, Kilmarnock (retired)
MCNALLY (Formerly NICOL), Lynne	Strathclyde Police
MCQUEEN, Lorna	Formerly SCRO Fingerprint Officer
MITCHELL, John	Strathclyde Police
MOFFAT, Michael	Scene of Crime Officer (scene examiner)
MORGAN, Alistair	Strathclyde Police
MURPHY, Sheriff Sean	Formerly (as Q.C.) Advocate Depute, COPFS - trial Advocate Depute in <i>HMA v McKie</i>
NELSON, Tom	Director of Forensic Services, SPSA
NICOLSON, Ruairidh	Strathclyde Police

<b>Witness</b>	<b>Role</b>
NOBLE, Anne	Formerly SCRO Fingerprint Officer
O'NEILL, William	Strathclyde Police (retired) formerly Head of SCRO Fingerprint Bureau
ORR, Colette	SCRO (now SPSA) Fingerprint Officer
PADDEN, Greg	SCRO (now SPSA) Fingerprint Officer
PATTISON, Scott	Director of Operations, COPFS
PUGH, Gary	Director of Forensic Services, Metropolitan Police
RAE, Sir William	Formerly Chief Constable Dumfries and Galloway then Chief Constable Strathclyde Police (retired)
REDGEWELL, June	Fingerprint Services Manager, Directorate of Forensic Services, Metropolitan Police
REID, Kerr	Strathclyde Police (retired)
RENNISON, Andrew	Forensic Science Regulator
SCOTT, Marion	Journalist
SHEPPARD, Geoffrey	Fingerprint Examiner (retired), until 2005 Head of Fingerprint Training at the NTC
SHIELDS, William	Strathclyde Police
SMILLIE, Graeme	SCRO (now SPSA) Fingerprint Officer
SMITH, Christie	Deputy Director Police Division, Police and Community Safety Directorate, Scottish Government
STEVENS, Alan	Strathclyde Police
STEWART, Charles	Formerly SCRO Fingerprint Officer
SWANN, Peter	Fingerprint Examiner
THOMPSON, Michael	Head of National Fingerprint Training at the NPIA
THURLEY, David	Scene of Crime Officer
TIERNEY, Joanne	Fingerprint Unit Manager, SPSA Edinburgh
WERTHEIM, Pat	Fingerprint Examiner
WILSON, Laurence	Strathclyde Police (retired)
WILSON, Stuart	Scene of Crime Officer (scene examiner)
ZEELLENBERG, Arie	Fingerprint Examiner



# The Fingerprint Inquiry | Scotland

## Glossary of terminology

A more extensive glossary is available in the Report at appendix 9

- **Core participant**

The expression “core participant” comes from the Inquiries (Scotland) Rules 2007. The Chairman can designate an individual or organisation as a core participant with that person’s consent.

Some of the factors that the Chairman takes into consideration when deciding whether a person should be designated as a core participant are:

- Whether the person played, or may have played, a direct and significant role in relation to the matters to which the inquiry relates.
- Whether the person has a significant interest in an important aspect of the matters to which the inquiry relates.
- Whether the person may be subject to significant or explicit criticism during the inquiry or in any report by the inquiry.

A core participant or their lawyer may apply to the Chairman for permission to question any witness who is giving oral evidence to the inquiry.

- **Witness**

Someone who gives evidence to the inquiry. The evidence may be written or oral. A core participant may or may not also be a witness.

- **Inquiries Act**

The Inquiries Act 2005 - An Act of the UK Parliament, extending to the whole of the UK. There are also Inquiry Rules made by Scottish Ministers. This is the legislation under which the Inquiry operates.

- **Inquiry procedure**

The procedure of the Inquiry was subject to the Inquiries Act 2005 and the Inquiries (Scotland) Rules 2007. Further information about the Inquiry's procedures can be found in Appendix 1 of the Report.

- **Y7**

A mark which was identified as the left thumb of Ms McKie found on a door-frame surrounding the door into the bathroom where the body of Miss Ross was found.

- **XF**

A mark which was identified as the right forefinger of David Asbury found on a Christmas gift tag in Miss Ross's house.

- **QI2**

A mark, part of which was identified as the right forefinger of Miss Ross and part as a fingerprint of David Asbury, found on a confectionery tin containing money in Mr Asbury's home.

- **QD2**

A mark which was identified as David Asbury's found on a banknote in the confectionery tin.

- **Initial Hearing**

One of two preliminary hearings of the Inquiry. Held in October 2008.

- **Procedural Hearing**

One of two preliminary hearings of the Inquiry. Held in November 2008.

- **Terms of reference**

The Inquiries Act defines the terms of reference as:

- (a) the matters to which the inquiry relates
- (b) any particular matters as to which the inquiry panel is to determine the facts

- (c) whether the inquiry panel is to make recommendations
- (d) any other matters relating to the scope of the inquiry that the Minister may specify.

In accordance with the requirements of the Act Scottish Ministers agreed the terms of reference after consultation with the Chairman of the Inquiry.

- **Submissions**

A presentation or argument made to the Inquiry Chairman about, for example, the procedure and conduct of the inquiry (as distinct from evidence presented to the Inquiry).

- **Opening and closing statements**

The legal representatives for core participants made opening and closing statements in June and November 2009 respectively. These are recorded in the hearing transcripts on the Inquiry website.

- **Oral evidence**

Evidence heard “live” at a hearing.

- **Determination**

Another word for decision. In the context of the Inquiry, a term used in the legislation for a decision by Scottish Ministers about conditions to do with awards of expenses to witnesses for legal representation.

# The Fingerprint Inquiry | Scotland

## Frequently Asked Questions

### **Why was the Inquiry set up?**

The Scottish Government set up the Inquiry to fulfil its commitment to hold an independent, public, judicial inquiry into the circumstances surrounding the Shirley McKie case. More details are available on the *About the Inquiry* section of the website.

### **Is this a statutory inquiry?**

Yes. It has been set up under the Inquiries Act 2005. It is one of the first inquiries under that Act to use the Inquiries (Scotland) Rules 2007. More details are available on the *Legislative Context* page on the website.

### **Who undertakes the Inquiry?**

An “inquiry panel” which consists of a chairman alone or a chairman with one or more other members. In this Inquiry the Chairman acted alone.

### **Who is the Inquiry Chairman?**

Sir Anthony Campbell, formerly a judge of the Court of Appeal in Northern Ireland.

### **When was the Inquiry set up?**

For the purposes of the Inquiries Act 2005, the Inquiry was formally set up on 14 March 2008 as announced by Justice Secretary Kenny MacAskill. However, the Chairman remained focussed on his existing judicial duties in Northern Ireland until the end of August 2008 when he retired.

### **What is the Inquiry's terms of reference?**

- 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.

### **Who decided the Inquiry's terms of reference?**

To fulfil the requirements of the Inquiries Act 2005, Scottish Ministers agreed the terms of reference after consultation with the Chairman of the Inquiry.

### **What has the Inquiry cost?**

The total cost is estimated at around £4.75 million. The final figure has not yet been calculated as some administrative tasks in winding up the Inquiry have still to be undertaken. Under the Inquiries Act, Scottish Ministers meet the costs of the Inquiry.

### **Who are Counsel to the Inquiry?**

Gerry Moynihan Q.C. is Senior Counsel to the Inquiry. Ailsa Carmichael, Q.C. is Junior Counsel to the Inquiry. More information is available on the *Inquiry Team* page on the website.

### **Who is the Inquiry's Solicitor and Secretary?**

Mrs Ann Nelson.

### **Who else works for the Inquiry?**

A team of legal and administrative staff.

**Who are the core participants in this Inquiry?**

Under the Inquiries (Scotland) Rules 2007, the Chairman may designate a person as a core participant at any time during the course of an inquiry – but only with the consent of that person.

Details of the core participants can be found in this pack on page 8 and on the Inquiry website.

**Who are the witnesses in the Inquiry?**

Details of the witnesses who gave evidence at the oral hearings can be found in this pack on page 14 and on the Inquiry website.

**What is the difference between a core participant and a witness**

Persons or organisations may be involved in the Inquiry in various capacities. Some may be core participants. Others may attend as witnesses or produce documents or other evidence.

A witness is someone who has information which relates to the Inquiry's terms of reference. Witnesses will provide this evidence in writing or orally to the inquiry.

A core participant is a person or organisation that has an interest and has, for example, played a direct and significant role in the matters that the Inquiry is addressing.

A core participant is eligible to have a wider role in the Inquiry including advance access, for preparation purposes, to the evidence that will be given at a particular day's hearing and opportunities to submit questions for witnesses.

Being designated as a core participant does not automatically mean that they will appear before the Inquiry or give evidence as a witness in the Inquiry.

# The Fingerprint Inquiry | Scotland

## Media contacts

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### **The Fingerprint Inquiry Report**

The Report of the Inquiry is available in limited quantities in print format and will also be available on the Inquiry website and on DVD.

[www.thefingerprintinquiryscotland.org.uk](http://www.thefingerprintinquiryscotland.org.uk)