

An Open Letter from Mr David Grieve - United States of America to the Members of the Scottish Parliament

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To the Members of the Scottish Parliament:

I am one of the American fingerprint examiners, who gave evidence in the perjury trial of Shirley McKie during May, 1999. I am writing to you in the hope that this letter will be read by many of you because I believe what I may offer has direct bearing in the issues before you. What began as the local matter of the homicide investigation of Marion Ross has now achieved such international notoriety that law enforcement personnel throughout the world anxiously await your decision. That decision will not be an easy one to determine, for the aftermath of the McKie trial has spawned waves of rhetoric containing accusations, innuendos, excuses, rationalizations and unfortunate hyperbole. In the end, however, someone is right and someone is wrong, and that you must decide.

My testimony in criminal court is a matter of public record and one in which I provided my qualifications. As I have stated I have been a fingerprint examiner for 37 years. For the last 20 years, I have instructed nearly 100 examiners how to perform this specialized skill properly for the Illinois State Police, the third largest forensic laboratory in the world. As an instructor, I teach those techniques and procedures which enable a competent individual to determine when identity by fingerprint can or cannot be conclusively established. As most of you are fully aware, fingerprint identification is often the most compelling evidence presented in a criminal proceeding. In spite of recent legal challenges to fingerprint methods throughout the world, the public continues to have confidence in the reliability of fingerprint evidence, as well they should. Public acceptance of fingerprint accuracy has been earned and maintained simply because most practitioners understand just how much influence they may have over another's liberty or life. Therefore, I also teach my students about personal integrity and individual responsibility, about what is the basis for certainty as opposed to arrogance, and about the dire consequences which may result from their failure to meet the highest standards of our profession. In short, I teach the concept of justice. I also inform my students they must acknowledge they are human beings who are quite capable of making mistakes. That is why we have put in place thorough quality control measures which are designed to prevent abuse or misuse of public trust. These are not limited to review of identifications made by others, but measures which ensure professional growth.

I also participated in the inquiry conducted by HMIC during which I was interviewed by Scottish police officers who were at all times competent and professional. I have read the full HMIC report on this investigation and concur with all findings. If enacted, the recommendations proposed offered an excellent opportunity to restore the credibility and dignity to SCRO and would greatly assist in repairing SCRO's severely damaged reputation. During this inquiry I was asked what constitutes

differing expert opinion. The question was legitimate, but the explanations offered recently are not. There are three possible conclusions to any examination, that is, I know whose fingerprint it is, I know whose fingerprint it isn't or I simply don't know. Experts may vary in knowing and not knowing, but experts cannot disagree in whose fingerprint it is. Expert opinion has inherent limitations. Two physicians may disagree on a diagnosis when considering symptoms, but one will be right and the other wrong. Both will agree whether the patient is alive or dead.

The substance of the ACPOS report defies the HMIC investigation and wishes to dismiss the matter as merely a difference among experts. This is naive, for someone touched the door frame inside the Ross home and the biscuit tin. Either SCRO is right or SCRO is wrong, and world opinion states the SCRO is wrong. Outside SCRO, no examiner of merit has supported the identifications in the Ross homicide. Simply put, the mark found inside the Ross home was not put there by Shirley McKie. and the mark recovered on the biscuit tin was not put there by Marion Ross while she lived. Thanks to the internet, these fingerprints have been examined by experts throughout the globe and no one has supported the SCRO's claim. From the perspective of quality management, two errors made by the same four people in one case is an intolerable situation and requires strong remedy. These errors reveal not only technical failure which caused their commission, but in the continuing omission by SCRO that they are, indeed, errors, they offer insight into collective integrity and responsibility in which the public has trust. Denying that errors occurred in the face of overwhelming conflicting opinions is not a statement of confidence in the four examiners, but arrogance. Denial of wrongdoing disregards the dire consequences of their actions and reveals a concept of justice that only despots could admire.

I took no pleasure in stating to the court that an error had been made by SCRO in the McKie case, but as a man guided by principle, I really had no other option. I happen to believe that no society can call itself free without an unwavering devotion to justice, no matter how obscure and elusive that treasure may sometimes be. Justice is the key thread that holds the cloth of freedom together, and as such, it must be fiercely protected by each and every one of us. I came to Scotland to testify because I realized that if justice was denied to Shirley McKie. someone else would be next, perhaps I, perhaps you. After all, Scotland and America have far more in common than they are different. For me, my concept of justice was inherited from my grandfather, a simple man from Fife but as true a Scot as anyone who ever walked the streets of Leven. As a young man, he had seen first hand what happened when justice had become merely lofty platitudes without fair practice for all. Were he still alive, I fear he would believe a similar time is upon you once again, and he would ask you, first and foremost, to display allegiance to the noble words of David Hume. You have before you the issue of whether you, as representatives of the Scottish people, will assist in adding to Hume's great wall of justice or, instead, you will be party to its further destruction. I urge you to honor the good citizens of Scotland.

David L. Grieve