

Fingerprint Society Debate Courtesy of :
www.clpex.com and <http://groups.yahoo.com/group/aridgetoofar/>

Shirley McKie Update: www.shirleymckie.com

*News is filtering through that the 'Fingerprint Society', the international organisation for fingerprint experts, plans to hold its **March 2006 annual conference** in Scotland and involve **SCRO experts** in the organisation and presentation. Some of these experts are witnesses to the misidentification of the Shirley McKie and Marion Ross 'prints' and will be appearing at Shirley's civil hearing only days before the conference starts. Iain has written to the 'Society' expressing his concern at this apparent endorsement of SCRO and asking them to postpone the event until the following year.*

'That was the week that was'

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LATEST LETTERS

Mr. McKie,

"We welcome constructive and courteous comment on 'breaking news' items or on any information on this site." This quote, which I'll attribute to you, appears on the "Have your say!" page of your website. I believe this quote needs to be amended after reading David Grieve's posting concerning David Charlton's comments. I'd like to know what is constructive and/or courteous about Mr. Grieve's comments. To liken Mr. Charlton's statements or the Fingerprint Society's neutral position to Neville Chamberlain's appeasement policies to Nazi Germany is an insult to the eleven million individuals who died in concentration camps as a result.

A question for Mr. Grieve: How many erroneous identifications have been made in your laboratory and what steps have been taken to help prevent them in the future? At least the SCRO problem is a known and justice will prevail through the UK legal system. What don't we know about you or your laboratory Mr. Grieve?

I have never made comment before on anyone's website and probably will not again. I find debates of this ilk disgusting and distasteful. I await the assault of justifications from the big three (or four) as to why Mr. Grieve's comments are necessary to Ms. McKie's cause.

Mike Wieners

Note: Mike Wieners is speaking as a practitioner in the field of friction ridge analysis, not as a representative of the FBI.

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Dear Mr Wieners,

Thank you for taking the time to respond to the debate.

I suspect we are not going to agree on what constitutes 'constructive or courteous comment' and perhaps I should let you have your say and leave it at that. I know you to be a respected expert however whose opinion is listened to and this makes it so much more important that I respond. The issues raised by the SCRO errors are extremely important not only for Shirley but for other people facing justice in Scotland.

What is important in the debate is that named individuals are fighting their corner. David Charlton was given equal prominence in putting his argument.

As I said in my response, "*Shirley is not saying that her trauma at the hands of SCRO smacks of Hitler's Germany or equates to the horror of the tsunami.*" The fact remains however, no matter the analogy used by David Grieve, that the Fingerprint Society in holding its conference in Scotland so close to Shirley's civil hearing and involving personnel from SCRO is appeasement. The general principle remains that at worst the Society should stand back from the argument between Shirley and SCRO. I asked them to delay their conference until the following year when hopefully the lessons will have been learned and can even be debated. To date I have not had the courtesy of an acknowledgement or reply.

From my perspective the Fingerprint Society and the IAI, if they are going to serve any useful purpose, should take a lead in helping to resolve disputes - I see little evidence of this in Shirley's case.

When mistakes are made I believe it is important not only for the victim but for the experts that there is openness and honesty. For instance from what I know of the Mayfield case I admire the FBI experts for holding up their hands and hope that lessons are learned and that decent experts are not destroyed in the name of some system or other. 'To err is human' and all that....!

David Grieve does not need an apologist but after 8 years of battling with an organisation and a Scottish and UK fingerprint hierarchy that has tried to turn a blind eye to my daughter's suffering I can well understand his anger and frustration.

Whether the Scottish Legal System will give Shirley justice remains to be seen but one thing is certain she should not have had to fight for 8 long years to achieve it. Openness and honesty by the experts at the outset and a determination by the system to avoid such mistakes in the future would have stopped the trauma before it began.

I genuinely regret that the debate caused you feelings of distaste and disgust. These are feelings I believe should be reserved for those who by deceit and dishonesty tried to have my daughter put in jail and having failed to do so have ensured her trauma is prolonged.

In closing I hope you would agree that Shirley has acted with considerable dignity over the years and we have always tried to listen to others. Perhaps we will have to agree to disagree but I hope you will continue to fight for what you believe is important to your profession and yourself.

Best wishes,

Iain McKie

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Dear Mr. McKie,

I know the analogy drawn to Prime Minister Chamberlain's handling of pre-war Nazi Germany was neither yours nor Shirley's. Further, I whole heartedly agree that you and Shirley are to be admired for the considerable dignity the two of you have displayed throughout your ordeal. Were it my child suffering what Shirley has had to endure, I would follow the example you have set.

However, the pedantic hyperbole espoused by Mr. Grieve is unacceptable. It shows a person devoid of racial, ethnic and moral sensitivity. I believe many in our discipline agree with my feelings but are leery of comment due to the onslaught of criticism that typically ensues when dogma of this nature is criticized. I know that I can count on at least two more responses explaining the error of my thinking.

I am proud to call David Charlton my friend and colleague. He has only tried to be pragmatic in dealing with this issue. While he has spoken on it in his capacity as editor of Fingerprint Whorld, he has no control over the presidency, the board, or the committees of that

organization. Personal attacks like Mr. Grieve's are neither constructive or courteous. Take issue with the Society and the IAI as a whole, not with its individual members.

Please feel free to publish this as well. I do not intend further comment. I know that this process has been extremely frustrating to both you and Shirley but I am a firm believer that justice will prevail through the appropriate legal avenues.

With respect and best wishes,

Mike Wieners

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By: Pat A. Wertheim
Email: foridents@aol.com
Date: 15/Apr/2005 at 10:04:51am
Subject: Lies or Integrity, Top to Bottom.

In my article "Detection of Forged and Fabricated Latent Prints" (Journal of Forensic Identification, Nov-Dec, 1994), as a result of research into past cases of intentional erroneous identifications, I made the following statement:

"A separate but related problem [to that of fabrication of latent print evidence] is that of intentional erroneous identifications. The same type of person who would fabricate prints is likely to simply say a genuine latent belongs to the suspect, especially if there is no independent verification process in place and he is confident no competent person will review his work. This activity certainly lacks integrity and is deserving of the same contempt as fingerprint fabrication. But should an honest examiner become involved in such a case, there is little likelihood of being duped into verifying the bad identification. Invariably, sooner or later, a competent examiner is called on to review a case and the dishonest examiner's plan unravels, along with his reputation and career."

In my follow-up article "Integrity Assurance: Policies and Procedures to Prevent Fabrication of Latent Print Evidence" (Proceedings of the International Symposium on Fingerprint Detection and Identification, June 26-30, 1995; Ne'urim, Israel), regarding why some employees become dishonest in the performance of their duties, I made the following statement:

"Another area where some police agencies need to strengthen their approach is in a strong commitment to integrity. All too often, it is simply assumed that police personnel will perform their duties appropriately. There needs to be a strong mission statement asserting very positively a commitment to integrity on the part of all department employees. Management needs to constantly reinforce that statement with pride and repetition. There needs to be a terrible negative onus on any person who would break that tradition, so that the temptation to fabricate evidence is overcome by departmental pride."

On the other hand, it becomes apparent that when a police agency itself lacks integrity from the top downward, when dishonesty in employees is rewarded, when honesty is ignored or, worse, punished, there is no incentive whatsoever for change and the corruption flourishes.

Is such the case at the Scottish Criminal Records Office? There is good evidence that more experts inside the SCRO denied the identification of Shirley McKie than supported it. And even at the time, there was clear evidence that Ms McKie was being truthful in her denial that she had been inside Marion Ross' house where the print had been developed. Yet the four who claimed the erroneous identification were encouraged to go ahead and testify against Ms McKie. There is strong indication the SCRO "experts" knowingly perjured themselves, as disclosed in the official inquiry report calling for criminal prosecution of those four.

In spite of the findings of that inquiry, in spite of the overwhelming condemnation of the international fingerprint community, the administration of the SCRO refuses to admit a mistake was made, much less apologise for it, and has instead promoted those who made the

erroneous identification and are alleged to have perjured themselves. Three of the four are now assigned to a quality control unit and verify the identifications of other SCRO examiners in order to make sure no erroneous identifications are made!

And now, in an effort to mask the odor of corruption, the SCRO has offered to host the 2006 annual conference of the Fingerprint Society. While the overwhelming majority of fingerprint examiners in the Fingerprint Society will readily acknowledge the erroneous identification in private and voice outrage that the situation has gone uncorrected, in public they remain silent. The few exceptions, people who have publicly spoken out in support of Shirley McKie and against the SCRO, have been punished and silenced. But in a bizarre move that gives credibility to the SCRO and denies the existence of problems there, the Fingerprint Society executive has accepted the SCRO's offer and plans to hold its 2006 conference in Glasgow. (Note: correction: venue is the Scottish Police College – Tulliallan)

What do the members and fellows of the Fingerprint Society think of this situation?

Well, going back to those two excerpts from my articles, the final sentences of the two paragraphs were: "the dishonest examiner's plan unravels, along with his reputation and career" and "There needs to be a terrible negative onus on any person who would break that tradition (of integrity), so that the temptation to fabricate evidence is overcome by departmental pride."

I guess I was wrong both times, at least in the case of the SCRO.

Pat Wertheim

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In Reply to Correction to "Lies or Integrity, Top to Bottom." by Pat A. Wertheim

By: Les Bush

Date: 22/Apr/2005 at 12:02:48am

Subject: keep them honest

Hi Pat,

The picture you paint is one which a new member to the British fingerprint community would not welcome to hear. The path for this trainee should be filled with wonderful examples of how fingerprint science has credibility and integrity. Hidden by choice would be the very clear message the McKie case represents, you only need to view the fingerprints to see how poor their efforts were. To those who are already within the British community there lies a dilemma of either standing up for the science or keeping quiet for the sake of what the science offers. This is really about organisational power and its misuse with the resultant effect that all ostriches will eventually and hopefully have their tails burnt. But the rest of the world needs consensus and leadership to make this happen, which is our dilemma. Regards from down under.

Les

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The conference is in Scotland for the first time in years!! It is important that the education of fingerprint experts is paramount to the Society's remit. We must pass the conference from location to location. Such conferences take years of planning and the 2006 conference was confirmed over 2 years ago. The fact that the dates now appear to coincide with Shirley's civil hearing in no way reflects any deliberate act on our part to deflect away from your cause. If certain parties are involved in both events then that is for them to cope with and to remedy. The Society will have a strictly neutral stance on this matter next year and I for one will be most vocal in keeping it that way. Your assertion that there will be presentations by SCRO

officials is completely bogus and unfounded. The Society is at great pains to ensure that this conference does not become embroiled in matters surrounding your daughter's case.

One thing to bear in mind.....we gave you a platform in Cardiff. SCRO have not been given a similar platform to date by the Society. It could be argued that we have been more than fair to you and your family over the years.

It has also been argued that we are holding the conference on Police premises to guard against media intrusion. This is untrue. Media involvement has ALWAYS been guarded against within the Society because of the sensitive nature of many of our scientific papers discussed. This conference will be no exception.

I really don't see how a conference for the meeting of minds and designed to act as a meeting point for professional education and development can in any way impact upon your hearing next year. I intend to ensure that NO ONE is able to score any points via the conference....from either side.

I hope that this reassures you.

Dave Charlton
Editor
Fingerprint Whorld

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From: aridgetoofar@yahooogroups.com

Date: 04/22/05 01:28:06

To: aridgetoofar@yahooogroups.com

Subject: Re: [aridgetoofar] Re: Shirley McKie Update

I sat in awe of Dave Charlton's response to Iain McKie, a little older than some, perhaps, but wondering all the while I read this rationalization if anyone would cry foul. Apparently not, for the days have passed and no one has challenged this Chamberlainesque nonsense.

The 1936 Olympics were held in Berlin because the Olympics had not been in Germany for many years. Never mind that Hitler attempted to use this weak excuse of a world full of cowards to remain neutral for his own gain. No one could see that this man of evil was not interested in honest competition, for the real purpose was to prove the superiority of the Aryan nation. Such is the reasoning of despots that naive persons are suckered in to further the aims of madmen. Alas, the world was witness to the emptiness of this attempt, yet few acknowledged that at the time. Only later, when the world was rid of the scourge of Hitler, was the real impact of that event revealed.

Dave Charlton speaks of fairness as if this matter was some debate over how many fairies dance at the head of a pin. He reminds Iain McKie of how generous the Society was to offer a token platform for this most civil disagreement, a chance to air his side. But Mr. Charlton conveniently avoids mentioning what the sides really are. Shall we award points to SCRO for good sportsmanship in not seeking a forum that cannot support? Shall we invoke Marquis of Queensbury rules to this academic exercise in some minor dispute of opinion? Shall we play right into the hands of those who believe, as Chamberlain did, that appeasement is the answer to basic issues of right and wrong?

I am amazed at the level of emotion Mr. Charlton can reach to defend the right of appeasement. Do I detect the troops poised at the border to enter the forsaken land deemed expendable by some misguided effort at being civilized? Do I count the loss of prestige and honor that innocent people may be sacrificed for some greater good?

This is not about sharing a forum before a group that has as its core values the right and wrong of a fingerprint identification. The world has spoken, Mr. Charlton, and you and the

Society have chosen to ignore that fact. If fingerprint identification is no longer a matter of being correct or incorrect, if the errors made by SCRO are something to be swept conveniently under the rug, if the Society has no purpose other than to be concerned about what seems fair in your eyes, then this is surprise in the results of the audit that has lowered wages for people of such little principle. You, sir, cannot lament the consequences of your own actions.

David L. Grieve

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I sit amazed at the vitriolic response from Mr Grieve below. I do not believe it is in anyone's best interests for Mr Charlton to make his personal views on the McKie case known abroad. This would show a bias that is wholly unprofessional and undermine his objectivity as an officer of the Fingerprint Society and Editor of Fingerprint Whorld. In this case, and given the above, he should be like Caesar's wife - above reproach.

I am not going to get drawn in on this - Mr Charlton works tirelessly for the progression of the Fingerprint profession and I think that personal attacks have no place on what is supposedly a "professional" forum.

Hilary Charlton

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Today I fly out to Thailand to identify victims of the tsunami. Three weeks away from home, in hot humid conditions, working in unsavory conditions, working in filth, disease and human body waste. I am doing this because I care about the victims, care about the need to reunite poor souls with their loved ones for closure, care about being professional.

For goodness sake lets put things into a little perspective shall we. Many many wonderful forensic specialists are in SE Asia as we speak, many are British. Not one of them actually gives a fig about a civil case in Scotland next March while they are sifting through human detritus looking for body parts that can be identified.

Fairness is a word often used by my children. Often to weight a particular argument their way. My sister has more candy than me...thats not fair!! My brother is allowed to stay up tonight to watch a movie....thats so unfair!! Never mind that they both get their share of the 'fair' decisions we make as parents.

I think emotive language, using Hitleresque phrases only adds to this sense of pseudo injustice that many people feel about this case, many of whom have very little, if any first hand knowledge of the case. While this sort of character assassination may be OK for some, I personally find it distasteful.

I have tried for years to see both sides of this argument, yes, I have tried to calm the level of emotive language, to 'appease' if you like. Why not!! To use the Hitleresque language for one moment, if individuals don't want to see a 'bunker' mentality, then why keep firing bullets in through the windows!! Better to knock on the door politely and ask for a cup of tea and a sensible chat??

I am saddened that my words have fallen on such deaf ears. I am saddened that fellow professionals feel the need to make personal attacks to further their own thought processes.

I am going to pack my bags now to prepare for what is about to confront me. It won't be pleasant and it will be truly traumatic. But I will cope because I am trained well for it. Trained in a country where in spite of many comments leveled is still looked upon as a cornerstone of forensic innovation, science and forward thinking.

This is what the Fingerprint Society stands for!!!

Good day.

David Charlton

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----- Original Message -----

From: "IAIN MCKIE" <iain.mckie2@btinternet.com>

To: <aridgetoofar@yahogroups.com>

Sent: Friday, April 22, 2005 9:51 AM

Subject: Re: [aridgetoofar] Re: Shirley McKie Update

Indeed David let's have a little perspective.

Shirley is not saying that her trauma at the hands of SCRO smacks of Hitler's Germany or equates to the horror of the tsunami. Thankfully we live in a democracy and in an area where we have not suffered the more horrendous excesses that have engulfed the world.

This is not to diminish my daughter Shirley's 8 year trauma or her worth however or to say that her pain is less because it is not shared by thousands or millions of others.

Is the anguish of the family watching a loved one suffer any the less because there are horrors being inflicted in a world beyond their borders?

Shirley has throughout this nightmare maintained her dignity and strength, compassionate enough to care about the hurt inflicted on innocents throughout the world but in herself deeply wounded as a Police service she was once part of turned against her and people she classed as friends looked the other way.

At the end of the many presentations I give on Shirley's case I use the words of Abraham Lincoln.

"To sin by silence when they should protest makes cowards of men."

Thankfully many hundreds of experts at home and abroad have not sinned by silence. If there are some within the Fingerprint Society who have then that is their loss and does not diminish Shirley's cause in any way. Let them look to their own consciences but please do not seek to say that my daughters pain doesn't matter.

God speed to you David and to the others who seek to bring solace and comfort to grieving families across the world.

Iain McKie

Can't we all just get along?

The McKie case should not be divisive in any way. There was certainly a bad ident made. We all know it and none can defend it. On the surface it is an honest mistake that should be forgiven but not forgotten. How the personnel involved handle themselves in the aftermath is where true judgement lies. This should not be a matter of one country vs another but a matter of what is the right thing to do.. Errors in the science know no border....

Charles G Brogdon

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In Reply to Fingerprint Society and SCRO by Iain McKie

By: Steve Howard

Email: steve.howard@jus.gov.on.ca

Date: 22/Apr/2005 at 8:14:14am

Subject: Re: Fingerprint Society and SCRO

Iain

Just something that I have been wondering about - Has there been any reaction, public or otherwise from Scottish defence lawyers regarding the ramifications of Shirley's case? Given all that has happened, it's hard to believe that any defence lawyer wouldn't be successful in challenging SCRO fingerprint evidence in court including appeals. Unless I've missed something, I haven't heard that SCRO fingerprint evidence cases are being tossed at any great rate, although I would have expected some kind of fallout within the Justice System.

Steve

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In Reply to Re: Fingerprint Society and SCRO by Steve Howard

By: Les Bush

Date: 22/Apr/2005 at 11:32:32pm

Subject: Re: Re: Fingerprint Society and SCRO

I agree with your perspective Steve, having read Pats response it seems to be a strange society indeed and ultimately the truth is being buried by the mixture of self indulgence and survival at any cost. If the British legal system would look at the extent of the issues raised within the latest Detail there is a wealth of ammunition to fire at any expert.

Regards. **Les**

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In Reply to Re: Fingerprint Society and SCRO by Steve Howard

By: Pat A. Wertheim

Email: foridents@aol.com

Date: 22/Apr/2005 at 12:08:18pm

Subject: Re: Re: Fingerprint Society and SCRO

Iain or some of my British friends may correct me on the finer details I will describe, but the British prosecution and defense system is different than in the US. In the UK (including Scotland) attorneys belong to the bar and can practice as either prosecution or defense, but they do not generally become career attorneys on either side. Instead, an attorney is appointed or hired to prosecute or defend a case, one case at a time. The next case, the attorney may be appointed or hired to take the other side. So if, as defense counsel, an attorney were to trash the fingerprint examiners from SCRO, on the very next case he may have to rely on evidence from the very same "experts" he just finished trashing. My

experience in court in the UK is that they generally lack the aggressive representation on both sides that we are used to in the US. Especially for defense, the sort of strong attack we are used to in the US is almost unheard of in the UK. While that may have its good points, if you are a defendant in the UK, finding a defense attorney who will really go to bat for you is virtually impossible. Shirley McKie was exceedingly lucky to have Donald Findley as her defense attorney. He was brilliant, and very aggressive in her behalf. His closing arguments put Perry Mason to shame! But he is by far the exception -- not the rule.

Pat

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Iain

Thanks for keeping this debate thread going, it has been interesting to see the style of comments and what examples are used to support the position of authors. As with any debate there should be sides and since the stakes involved in the McKie case are very high the importance of having focussed arguments is paramount. This issue is not about the needs of the Society or the plight of tsunami victims, it is strictly about the truth concerning the latent fingerprint found within the crime scene of an horrific murder. The community of Scotland need to know what can and cannot be trusted when their jurors are placed in a position of determining innocence or guilt. To achieve that integrity and credibility must be the core values of everyone who presents as a professional fingerprint expert. What we are hearing from the SCRO and others is the clear lack of both integrity and credibility. The truth about the SCRO examiners has been made known globally and those who are witnesses for the truth must make their position heard because without such there would be anarchy and disorder in the science (or about to be). The issue is not about human error and mistakes, they were the cause of the situation, the greater effect has been the abuse of professional privilege and the misrepresentation of the science of fingerprint identification. As one author wrote 'lets get along', sure lets do that but the air is full of deception and other distractions such that the truth is being stifled, even smothered.

Name supplied

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Steve,

Scottish and UK lawyers are seldom proactive. The nature of the beast seems to be reactive. I am amazed how seldom they collectively campaign on issues that directly affect the public or endanger civil rights. There are exceptions of course like **John Scott** the civil liberties lawyer who has been so supportive of Shirley and has ensured that his colleagues are encouraged to challenge all expert evidence. Like lawyers the world over however speed never appears to be of the essence.

I have contacted the **Law Society** on many occasions about the wrong identifications of the 'Shirley McKie' and 'Marion Ross' prints by SCRO experts with little apparent reaction. Recently however the Society indicated that expert evidence and fingerprint testimony was going to be covered as part of its training programme.

See correspondence at: <http://www.shirleymckie.com/LawSociety.htm>

As regular visitors to the site will know in 1994 Allan Bayle supported by Northern Ireland experts revealed 'unsafe' identifications were still being submitted by SCRO.

We had felt for a time that SCRO's quality control procedures had been strengthened but then we learned that some of the experts involved in the '**Scotch Botches**' were involved in the very same quality control !!

<http://www.sundayherald.com/48633>

As far as the UK courts have been concerned expert evidence has been infallible. However things are changing and a number of high profile cases in the past few years including

Shirley's have shown that infallibility is a fiction. It is only a matter of time until the Justice System wakes up to the facts American experts have been facing for years. If you are an expert be prepared for challenge and through that challenge learn and grow as a profession.

Far be it from me to put Pat right but in Scotland we do have a system of separate prosecution and defence lawyers although they cross-pollinate from time to time.

See: <http://www.scottishlaw.org.uk/lawscotland/criminal.html>

I agree with him however when he says that ,

"if you are a defendant in the UK, finding a defense attorney who will really go to bat for you is virtually impossible. Shirley McKie was exceedingly lucky to have Donald Findley as her defense attorney. He was brilliant, and very aggressive in her behalf. His closing arguments put Perry Mason to shame!"

Part of the problem is that as a small country everyone in the Justice system knows everyone else and apart from its often incestuous nature there appears either a reluctance or an unwillingness to 'put the boot in' for your client.

Certainly I see the **Fingerprint Society** in this light. Their 'neutral' stance is hard to fathom but then there are those within that august body who will have to be dragged screaming into the new millennium. Tradition is all very well but an inability to change and weed out incompetency diminishes its effectiveness and stifles the opinions and ideas of the vast majority of its members. I would like to think that in the SCRO debate the Society are not representing their member's opinions.

Iain McKie