

‘Shirley McKie : Statement of Facts – March 2005.

- **January 1997.** Detective Constable Shirley McKie, a murder enquiry officer, is accused of leaving her fingerprint in the home of murder victim Marion Ross having been instructed not to enter the house. She denies that the fingerprint is hers. The case against David Asbury suspected of the murder depends almost entirely on fingerprint evidence as identified by the same Scottish Criminal Records Office (SCRO) experts who claimed Shirley had left a print in the house.
- **February 1997.** In the face of continual accusations of lying from her superiors Shirley goes off sick. Over the following months and years is depressed and suffers panic attacks. Still on medication, in counselling and seeing a psychologist.
- **February to May 1997.** Subjected to over 12 interviews with senior Police officers and the Procurator Fiscal all seeking to convince Shirley she was wrong. Visited at home given flowers, wine and chocolates and suggested she might like to change her story. Clear that unless she admits she was in the murder house fingerprint evidence in the case against David Asbury will be in doubt. Treated in a bullying and oppressive manner and shunned by colleagues.
- **July 1997.** Professor Colin Espie one of Scotland’s foremost Clinical Psychologists, at the request of the Police, reports on Shirley’s state of mind, *‘First, (that) she was psychologically normal; and second (that) she was telling the truth.’* When he phoned Strathclyde Police Medical Officer he said. *‘What if the fingerprint experts are wrong?’* The Professor was told that *“this was regarded as an ‘unthinkable’ explanation, because of its implications.”*
- **March 1998.** Shirley arrested in her own home in a “dawn raid“ Watched by police officers doing the toilet, showering and dressing, Taken to Ayr Police Office, ‘strip searched’ and then locked up in Glasgow. Charged with perjury. Refused legal assistance by Police to fight case. Decision overturned on appeal to the Local Authority.
- **May, 1999.** Shirley unanimously cleared of charges of Perjury. American Defence experts prove SCRO identification was wrong. Prosecution forensic evidence presented by a scenes of crime officer proves that the mark could not have been left by Shirley over the period stated. Lord Johnston states. *"Shirley McKie.....personally I would like to extend to you my respect for the obvious courage and dignity which you have shown throughout this nightmareI very much hope you can put it behind you. I wish you all the best."*
- **July 1999.** Lord Advocate refuses to order enquiry into SCRO
- **December 1999.** Shirley discharged from Police on medical grounds. Successfully fights Police decision not to give her full pension.
- **January 2000.** 14 Lothian and Borders Experts write to the Justice Minister: *‘At best the apparent ‘misidentification’ is a display of gross incompetence by not one but several experts within the bureau. At worst it bears all the hallmarks of a conspiracy of a nature unparalleled in the history of fingerprints.’*
- **June 2000.** Minister for Justice Jim Wallace makes an emergency statement to the Scottish Parliament in the light of an interim report on SCRO. Apologises to Shirley and confirms that the print was not hers.

- **June 2000.** Police Major Inquiry team, under Deputy Chief Constable of Tayside, established to investigate the case and to consider possible criminal prosecution of those responsible. Report recommends prosecution of SCRO experts. Lord Advocate refuses to take action.
- **August 2000.** Her Majesty's Chief Inspector of Constabulary Report concludes:
'the mark was not made by Shirley McKie. It is (the independent experts) view that decision could have been reached at an early point in the comparison process.'
- **May 2001.** Left with no further options Shirley raises actions for damages against Strathclyde Police and the Scottish Ministers, who – after much debate and delay – accept vicarious responsibility for SCRO.
- **2001 – present.** A number of international fingerprint conferences in various countries feature discussion on what is now known as the “Scotch Botch”. SCRO officers responsible are suspended, re-instated cleared of wrongdoing by an internal enquiry and no disciplinary action is taken against them.
- **February 2002.** The Lord Advocate Colin Boyd states,
'The BBC Frontline Scotland programme on the case of Shirley McKie..... helped uncover what where at best serious defects in the analysis of fingerprinting at the Scottish Criminal Records Office and forced the authorities, including myself, to act to ensure that such a case would not happen again.'
- **May 2002.** Statement by World Experts. 171 experts from 18 countries including 26 USA states agree that the SCRO is wrong in their identification of Shirley's fingerprint. Hundreds of other experts from across the world join in the condemnation of SCRO via the internet.
- **August 2002.** David Asbury Conviction Quashed: The Crown offers no evidence at the appeal and accepts that *'The fingerprint evidence was unreliable'*
- **Sept. 2002.** Petition to the Scottish Parliament by 4 world renowned experts seeks an enquiry into Openness and Accountability within SCRO. To date no action has been taken.
- **Sept. 2002** New witnesses traced who are prepared to testify that:
'In 1997 5 SCRO experts disagreed with identification. This information was hidden. The Police Major Enquiry Team established by ACPOS and the Lord Advocate recommended SCRO experts and possibly others face criminal prosecution.' This information, though known to the Lord Advocate, was hidden from Shirley and her legal team. Lord Advocate refuses to act against the SCRO.
- **February 2003.** Shirley loses action against Strathclyde Police after legal debate. She cannot prove malice.
- **October 2003.** Four days of court hearings on pleas in Shirley's case against the Scottish Ministers. Lord Wheatley reserves judgement.
- **December 2003.** Scottish Ministers criticised for their case by Lord Wheatley in a detailed judgement which refutes most of the Executive's arguments. Wheatley allows the case against the Ministers to go to trial and indicates dissatisfaction with the Minister's position on key issues including the attempt to claim that the print was Shirley's – despite the apology from Jim Wallace and the clear statement in the HMCIC report.

- **February 2004.** Scottish Ministers lodge an appeal against the Wheatley judgement at the last possible minute. Appeal hearing not likely until late 2004 with no prospect, whatever the result, of a full hearing of the case until well into 2005: some eight years after the original case and six years after Shirley was forced to leave the police force.
- **March 2004.** Strathclyde police commence attempt to recover costs of their case from Shirley threatening her with bankruptcy and the loss of her house.
- **April 2004.** Messengers at Arms, under the instruction of solicitors acting for Strathclyde Police, deliver notice to Shirley's house demanding payment of £13,000 within 14 days. Despite pleas on her behalf the Chief Constable refuses to waive costs.
- **May 2004.** General Assembly of the Church of Scotland calls on the Scottish executive to treat Shirley with justice.
- **July 2004.** Appeal to the Joint Police Board to withdraw their claim against Shirley for £13,000 fails. Payment made by an anonymous benefactor.
- **November 2004.** Cross party talks planned in Scottish Parliament.
- **September 2004.** New technology from USA proves yet again that SCRO identification was wrong.
- **December 2004.** Letter to all Scottish Chief Constables asking for assistance in bringing Shirley's trauma to an end – no replies received.
- **January 2005.** 8th anniversary of Marion Ross's death – still no arrest of her murderer. Freedom of Information requests go out to Police/SCRO/Scottish Executive.
- **February 2005.** Application to Court of Session to have 'reluctant' witnesses interviewed turned down.

November 2006. Shirley McKie Conference – 'Justice for all?'

February 2006. Start of Court of Session civil hearing.