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Fingerprints: scientific proof or just a matter of opinion?

- Leaked report: dispute revealed
- Forensic evidence faces crisis after head of Scottish Fingerprint Service argues that ID from prints is 'judgement' rather than fact

By [Liam McDougall](#), Home Affairs Editor

Scottish fingerprint evidence was plunged into crisis last night after a Sunday Herald investigation revealed deep divisions at the heart of the forensic science service.

The findings, which will call into question the validity of fingerprint evidence currently being presented in Scottish courts, include:

- A leaked report by Euan Innes, the head of the Scottish Fingerprint Service (SFS), which argues that fingerprint identification is an opinion and cannot be viewed as fact. The paper also makes the case for two or more experts being able to examine the same print but legitimately come to different conclusions about identity.
- A second report, written by the SFS's national fingerprint training officer in response, which contradicts Innes's view. In the document, the concerned officer warns that such a stance could result in chaos in the criminal justice system.
- A statement released by the Scottish Criminal Records Office (SCRO), the main Scottish fingerprint bureau, which is also directly at odds with Innes's paper.
- Evidence of an irreconcilable split between the SCRO and other Scottish fingerprint bureaux over the identities of a number of fingerprints.

The revelations have led to an outcry from international fingerprint experts, and predictions from legal figures that the divisions at the most senior levels of the service could lead to a flood of appeals against conviction in the courts.

Last night it also led to pressure on the justice minister, Cathy Jamieson, to launch an inquiry into the SFS and calls for its head to resign.

The astonishing report by Innes goes against the international view of fingerprint identification. The FBI, for example, states that fingerprints offer an "infallible means of personal identification".

However, in his report – FP: Opinion Or Fact, which was circulated to Scottish bureau chiefs earlier this year – Innes argues the case that fingerprint identification is not an infallible science.

It states: "Fingerprint comparison is a series of decisions made by the expert requiring skilled judgement. This judgement is determined by past experience [and] it is therefore possible for different experts to arrive at different conclusions."

It adds: "One can only speak to one's own conclusions as opinions."

But Joanne Teirney, the Scottish fingerprint training officer, responds in a report dated September 19: "If a challenge to a conclusion of identity should become acceptable as merely a difference of opinion between individuals, and not pursued and refuted, then the identification and presentation of evidence process becomes reduced to the ability of an expert to persuade or convince others that they are right and it becomes inconsequential if anyone disagrees."

"If the viewpoint 'in the end it all comes down to everyone having their own opinion' becomes acceptable, will this constitute reliable evidence?"

A statement released by the SCRO to the Sunday Herald, which also contradicted the head of the SFS, said it "cannot be equally acceptable and correct" for experts to disagree about identity.

The revelations come as the Scottish Fingerprint Service is under pressure over the case of Shirley McKie, a former detective who was wrongly accused of leaving her print at a murder scene.

She was cleared of lying on oath in 1999 after insisting that a print, found at the scene of the murder of Kilmarnock woman Marion Ross in 1997, was not hers. McKie is now suing the Scottish Executive for damages after losing her job following the false accusations.

Last night, it was suggested the report by Innes was written to prevent the SFS taking the blame for the McKie case. However, fingerprint experts from around the world expressed astonishment at the suggestion in the report.

Allan Bayle, one of the UK's leading fingerprint expert, said: "For the head of the Scottish Fingerprint Service to argue this is astonishing. To start going down the route of viewing fingerprint identification as opinion, where it is legitimate to disagree about an identity, will put the whole of forensic science at risk. It completely undermines the reliability of fingerprint evidence in Scottish courts."

Pat Wertheim, the independent US expert whose analysis confirmed the disputed print did not belong to McKie, called the view "outrageous".

David Grieve, latent print co-ordinator at the Southern Illinois Forensic Science Centre, said: "They're opening a Pandora's box by presenting that argument."

John Scott, a human rights lawyer, said Innes's report had serious ramifications for all cases in Scotland that involved fingerprint evidence.

Alex Neil, SNP MSP, who was passed the SFS reports, said: "The reports suggest that fingerprinting policy in Scotland is in total shambles."

"This will be used to question the reliability of fingerprint evidence. It makes court cases involving fingerprint evidence very dodgy indeed. People will be queuing up for appeals."

Neil is to quiz the justice minister this week on the issue. He added: "How can you have the head of the fingerprint service holding this position? Euan Innes should be considering his post."

Iain McKie, the father of Shirley McKie and a former police officer, said fingerprint identification in Scotland must now undergo independent examination.

He added: "It is hard to understand why SFS are choosing to go down this route. It seems they're willing to use this argument to stop them from taking the blame for getting Shirley's print wrong, and to hell with the reputation of fingerprinting science."

Last night, the Scottish Executive said it could not comment because of its involvement in the McKie civil case.

A spokeswoman for the SFS last night appeared to backtrack over Innes's report. She said: "All experts within the SFS agree fingerprint evidence is expert opinion of identification based on the scientific fact that fingerprints are unique to every individual."

Prints through history

Ancient Babylon Fingerprints used on clay tablets for business transactions

1880 Dr Henry Faulds, from Beith, north Ayrshire, first to recognise the importance of fingerprints as a means of identification

1888 Sir Francis Galton established individuality and permanence of fingerprints

1891 Juan Vucetich, Argentine police official, begins first fingerprint files

1896 Criminal records of all Bengali prisoners to include their fingerprints

1901 First fingerprint bureau established at Scotland Yard

1918 Edmond Locard writes that 12 identical points between two fingerprints would suffice as a positive identification

1931 DS Bertie Hammond establishes first fingerprint department in Scotland

1960 Scottish Criminal Records Office created

1991 Introduction of computerised Automatic Fingerprint Recognition System

2006 All Scottish fingerprint bureaux to be amalgamated into the Scottish Fingerprint Service

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